

90-Q504-01C
RDB#1189-43

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW
CERTIFICATION: I hereby certify that the attached
are true and correct copies of regulations
adopted, amended or repealed by this agency
and that the information specified on this Face
Sheet is true and correct.

1850 MAY - 4

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
MAY 30 1990

Office of Administrative Law

For use of Office of Adm Law

CERT

State Department of Social Services

(AGENCY)

Lil S. Melch

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 5-3-90

FILED
In this office of the Secretary of State
of the State of California

JUN 04 1990
At 4:31 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Paula Curr*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)	TITLE	TELEPHONE
Rosalie Clark, Chief, Regulations Development Bureau (916) 445-0313		
2. Type of filing, (check one)	<input type="checkbox"/> 30-day Review	<input type="checkbox"/> Emergency
<input type="checkbox"/> Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)		
<input type="checkbox"/> Nonsubstantive changes with nonregulatory effect <input type="checkbox"/> Printing Error Correction		
3. a. Specify California Administrative Code title and sections as follows:		
SECTIONS ADOPTED:		
Title 22	35332, 35332.1, 35332.2, and 35332.3	
SECTIONS AMENDED:		
35000(n), 35009(a), and 35013(a)		
SECTIONS REPEALED:		
b. The following sections listed in 3a contain modifications to the text originally made available to the public: NA		
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)		
<input type="checkbox"/> prior to the emergency adoption		
<input checked="" type="checkbox"/> within 120 days of the effective date of the emergency adoption of the above-referenced regulations.		
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?		
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if yes, give date(s) of prior submittal(s) to OAL:		
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?		
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if yes, give date statement was submitted to OAL		
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)		
<input type="checkbox"/> Fair Political Practices Commission (Include FPPC approval stamp) <input type="checkbox"/> Building Standards Commission (Attach approval)		
<input type="checkbox"/> State Fire Marshall (Attach approval) <input checked="" type="checkbox"/> Department of Finance (Attach properly signed Std. 399)		
<input type="checkbox"/> Other _____ (SPECIFY AGENCY)		
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER January 19, 1990	b. DATE OF FINAL AGENCY ACTION MAY 3 1990	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) NA
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)		
<input type="checkbox"/> Effective 30th day after filing with the Secretary of State.		
<input checked="" type="checkbox"/> Effective upon filing with the Secretary of State.		
<input type="checkbox"/> Effective on _____ as required or allowed by the following statute(s): _____		
<input type="checkbox"/> Effective on _____ (Designate effective date <i>earlier than</i> 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)		
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.		
<input type="checkbox"/> Effective on _____ (Designate effective date <i>later than</i> the normal effective date for the type of order filed.)		

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.

Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.

Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list section number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)

b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).

Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).

Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.

Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

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- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
- Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).

Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.

Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.

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c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.

Part 9. Effective Dates — check one of the following:

- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
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FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.

L.S. McMahon

Linda S. McMahon
Director

8-26-88

Date

(n) (1) "Nonrecurring Adoption Expenses" means reasonable and necessary adoption fees, court costs, attorney fees and other expenses which are directly related to the legal adoption of a child with special needs, which are not incurred in violation of State or Federal law, and which have not been reimbursed from other sources or other funds.

"Other expenses which are directly related to the legal adoption of a child with special needs" means the costs of the adoption incurred by or on behalf of the parents and for which parents carry the ultimate liability for payment. Such costs may include the adoption study, including health and psychological examinations, supervision of the placement prior to adoption, transportation and the reasonable costs of lodging and food for the child and/or the adoptive parents when necessary to complete the placement or adoption process.

Authority Cited: Sections 10553, 10554, 16118, 16118(a), and 16141, Welfare and Institutions Code; Section 1530, Health and Safety Code.

Reference: Sections 10553, 10554, 10800, 16000, 16115, 16116, 16118, 16119, 16120, 16120.1, and 16121, Welfare and Institutions Code; Sections 25, 62, 211, 224, 224m, 224n, 224q, 226.1, 226.2, 226.4, 226.6, 226a, 226c, 227, 227b, 232, 239, 7001, 7002, 7003, 7004, and 7017, Civil Code; Section 251.2 and 1502, Health and Safety Code; Sections 251.2 and 1502, Health and Safety Code; 8 USC 1101(b)(1)(F); 25 USC 1901, 1903(2), (3), (4), (5), (6), (8), (9), (11), (12); and 42 USC 673 and 675; Section 11105(a)(2), Penal Code; 28 CFR Section 16.31; and 45 CFR 1356.41(i).

35009 DISSEMINATION OF INFORMATION REGARDING SPECIAL 35009
NEEDS CHILDREN, AAP, AND REIMBURSEMENT OF
NONRECURRING ADOPTION EXPENSES

(a) The agency shall inform the public regarding: (Continued)

(3) Reimbursement for nonrecurring adoption expenses.

Authority Cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code and Section 1530, Health and Safety Code.

Reference: Section 276, Civil Code; Sections 16115.5 and 16119, Welfare and Institutions Code; and 45 CFR 1356.40 and 45 CFR 1356.41(e)(1).

35013 PROVISION OF INFORMATION REGARDING THE
ADOPTION OF SPECIAL NEEDS CHILDREN

35013

(a) The agency shall inform applicants regarding the availability of:

- (1) Special needs children in need of adoptive parents;
- (2) Supportive services to assist the adoptive parent in meeting the special needs child's needs;
- (3) AAP payments for special needs children;
 - (A) The agency shall inform the applicant for the adoption of the special needs child that the ability to adopt is not limited by the applicant's income or lack of income and that there is no test for the applicant's financial means as a prerequisite for adoption.
- (4) Medi-Cal for special needs children; and
- (5) Reimbursement for nonrecurring adoption expenses incurred in the adoption of a special needs child.
 - (A) The agency shall inform the applicant for the adoption of a special needs child that the ability to receive this reimbursement is not limited by the applicant's income and that there is no test of the applicant's financial means as a prerequisite for this reimbursement.

Authority Cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code and Section 1530, Health and Safety Code.

Reference: Sections 16115.5, 16119, and 16120.1(b), Welfare and Institutions Code; 45 CFR 1356.40; and 45 CFR 1356.41(e)(1).

- (a) The agency shall provide information on the availability of reimbursement for nonrecurring adoption expenses to adoptive parents as follows:
 - (1) All clients who adopted a special needs child between January 1, 1987 and June 14, 1989 of the availability of reimbursement for nonrecurring adoption expenses paid after January 1, 1987.
 - (2) For adoptions in which a final decree was entered between January 1, 1987 and June 14, 1989, or where a final decree was entered before January 1, 1987 but nonrecurring adoption expenses were paid after January 1, 1987, individuals who seek reimbursement must enter into an agreement with the agency and file a claim with the agency on or before December 14, 1990.
 - (3) For adoptions in which a final decree was entered into after June 14, 1989, an agreement must be signed at the time of or prior to the final decree of adoption.
 - (A) In such cases, claims for reimbursement must be filed with the agency within two years of the date of the final decree of adoption.
- (b) The agency shall inform all applicants of the availability of this reimbursement as specified by Section 35013(a)(5).
- (c) The agency shall inform applicants that agreements entered into pursuant to this section shall meet the provisions of Section 35332.1(a)(7).

Authority Cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code.

Reference: Sections 16119 and 16120, Welfare and Institutions Code and 45 CFR 1356.41(e).

(a) In order for a claim to be eligible for reimbursement, the agency shall:

- (1) Record in the case file that the adoption took place in compliance with applicable state and local laws.
- (2) Record in the case file that the child for whose adoptive costs the parents are claiming reimbursement is a special needs child as defined in Section 35000(s)(4).
- (3) Record in the case file that the placement meets the search requirements of Section 35327.
- (4) Include verification in the case file that the expenses claimed were actual expenditures. "Verification" includes, but is not limited to, copies of the following:
 - (A) Cancelled checks;
 - (B) Signed and dated receipts.
- (5) Record in the case file that the expenses claimed meet the definition of "nonrecurring adoption expenses" as defined in Section 35000(n).
- (6) Record in the case file that the adoptive parents have not received reimbursement for the claimed expenses from other sources. "Other sources" include, but are not limited to, the following:
 - (A) Reimbursement from employers;
 - (B) Income tax deductions.
- (7) Except as provided in Section 35332(a)(2)(A), ensure that all adoptive parents sign an agreement with the agency prior to finalization of the adoption. The content of all such agreements shall meet the requirements as follows:

- (A) The agreement must indicate the nature and amount of the nonrecurring expenses to be paid.
- (B) The agreement may be a separate document or part of an agreement for either state or federal adoption assistance payments or services.

(8) Limit the maximum reimbursement for nonrecurring adoption expenses to \$400.00 per placement of a special needs child.

- (A) Reimbursement for the adoption costs incurred for the adoption of siblings shall be paid as follows:
 1. Siblings placed for adoption either separately or as a unit are treated as individual placements with separate reimbursement for nonrecurring expenses up to the maximum amount allowable for each child.

(9) Record in the case file that reimbursement for nonrecurring adoption expenses in interstate placements shall conform to the following:

- (A) When the adoption of the child involves interstate placement, the State that enters into an Adoption Assistance Agreement under Section 473(a)(1)(B)(ii) of the Social Security Act or under a state subsidy program will be responsible for paying the nonrecurring adoption expenses of the child. In cases where there is interstate placement but no agreement for other Federal or State adoption assistance, the State in which the Final Adoption Decree is issued will be responsible for reimbursement of nonrecurring expenses if the child meets the requirements of 473(c).
- (B) Interstate placements which do not comply with the Interstate Compact on the Placement of Children are not eligible for reimbursement.

Authority Cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code.

Reference: Section 16120.1, Welfare and Institutions Code and 45 CFR 1356.41.

35332.2 AUTHORIZATION FOR REIMBURSEMENT

35332.2

(a) Pursuant to a determination that a claim for reimbursement for nonrecurring adoption expenses meets the eligibility criteria in Section 35332.1, the agency shall authorize the appropriate county to reimburse the adoptive parents.

(1) The county responsible for reimbursement shall be the county responsible for the child's Adoption Assistance Program (AAP) payment.

(A) In cases in which the adoptive parents have elected not to receive AAP payments, the county responsible for reimbursement shall be the county that would otherwise provide the child's AAP payment.

Authority Cited: Sections 10553, 10554, and 16120.1(a), Welfare and Institutions Code.

Reference: Section 16120.1, Welfare and Institutions Code and 45 CFR 1356.41(g).

(a) The county responsible for the child's Adoption Assistance Program (AAP) payment shall be the county responsible for the direct reimbursement to that child's adoptive parents for their nonrecurring adoption expenses as required by Welfare and Institutions Code Section 16120.1. This reimbursement shall be separate from the child's AAP payment as required by Welfare and Institutions Code Section 16120.1(d).

HANDBOOK BEGINS HERE

(1) Welfare and Institutions Code Section 16120.1, in pertinent part, states:

(A) "Upon the authorization of the licensed adoption agency, or where appropriate, the department, the county responsible for providing adoption assistance program payments shall directly reimburse eligible individuals for reasonable nonrecurring expenses, as defined by the department, incurred as a result of the adoption of a special needs child.... Reimbursements shall conform to the eligibility criteria and claiming procedures established by the department...."

(2) Welfare and Institutions Code Section 16120.1(d) states:

(A) "Reimbursement for nonrecurring expenses shall be in addition to any adoption expenses paid pursuant to Section 16121 and shall not be included in the computation of maximum benefits for which the family is eligible pursuant to Section 16121."

HANDBOOK ENDS HERE

(b) The state shall reimburse counties for payments made to adoptive parents of special needs children as mandated by Welfare and Institutions Code Section 16120.1.

HANDBOOK BEGINS HERE

(1) Welfare and Institutions Code Section 16120.1, in pertinent part, states:

(A) "...The State shall provide payment to the county for the reimbursement...."

HANDBOOK ENDS HERE

(c) Reimbursement for nonrecurring adoption expenses is contingent upon the ongoing existence of the federal program for these reimbursements as mandated by Welfare and Institutions Code Section 16120.1(b).

HANDBOOK BEGINS HERE

(1) Welfare and Institutions Code Section 16120.1(b), in pertinent part, states:

(A) "...No payments shall be made under this section if the federal program for reimbursement of nonrecurring expenses for the adoption of special needs children pursuant to Section 673 of Title 42 of the United States Code is terminated."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 16118(a), Welfare and Institutions Code.

Reference: Section 16120.1, Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

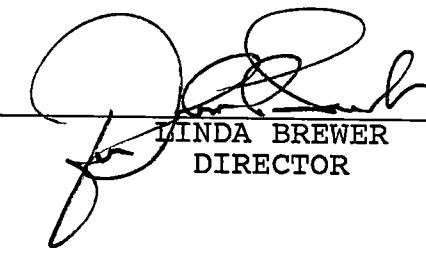
JUN 04 1990

At 4:31 o'clock P.M.
MARCH FONG EU, Secretary of State
By Linda Brewer
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 90-0504-01


LINDA BREWER
DIRECTOR

06/04/90

FACE SHEET

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CERTIFICATION I hereby certify that the agency
has adopted, amended, or repealed by this agency
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RDB #0590-17

FILED

In this office of the Secretary of State
of the State of California

130 MAY - 9 PM 2 39

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
JUN 08 1990

Office of Administrative Law

For use of Office of Adm Law

NONSUBSTANTIVE

State Department of Social Services

(AGENCY)

Lil S. Michel

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 5-8-90

JUN 08 1990
At 4:24 o'clock P.M.
MARCH FONG EU, Secretary of State
By Janella Luzzo
Deputy Secretary of State

For use by Secretary of State only

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Rosalie Clark	Chief, Regulations Development Bureau	445-0313
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<input checked="" type="checkbox"/> Nonsubstantive changes with nonregulatory effect <input type="checkbox"/> Printing Error Correction		
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Title <u>22</u>		
SECTIONS ADOPTED:		
<u>80001(a)(37)(A), 80020(b)(2) and 87001(a)(30)(A)</u>		
SECTIONS AMENDED:		
SECTIONS REPEALED:		
b. The following sections listed in 3a contain modifications to the text originally made available to the public:	<u>N/A</u>	
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<u>N/A</u>	<u>MAY 9 1990</u>	<u>N/A</u>
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Amend Section 80001(a)(37)(A) to read:

80001 DEFINITIONS (Continued)

80001

(a) (Continued)

(1) through (36) (Continued)

(37) "Nonambulatory Person" means a person as defined in Health and Safety Code Section 13131.

(A) A person who uses ~~supportive restraining postural supports~~ as specified in Section 80072(a)(8) is deemed nonambulatory.

Authority Cited: Sections 1502.2 and 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1502.2, 1503, 1503.5, 1505, 1507, 1508, 1509, 1511, 1520, 1522, 1524, 1525, 1525.5, 1526, 1527, 1529, 1530, 1503.5, 1531, 1533, 1534, 1536.1, 1537, 1538.5, 1550, 1551, and 11834.11, Health and Safety Code; and Section 11006.9, Welfare and Institutions Code.

Amend Sections 80020(b)(2) and (2)(A) to read:

80020 FIRE CLEARANCE (Continued)

80020

(a) (Continued)

(b) (Continued)

(1) (Continued)

(2) Persons who are nonambulatory, as defined in Section 80001(a)(3b7).

HANDBOOK BEGINS HERE

(A) Persons who use supportive restraints postural supports pursuant to Section 80072(a)(8) are nonambulatory.

HANDBOOK ENDS HERE

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1520, 1528 and 1531, Health and Safety Code.

Amend Section 87001(a)(30)(A) to read:

87001 DEFINITIONS (Continued)

87001

(a) (Continued)

(1) through (29) (Continued)

(30) "Nonambulatory Person" means a person as defined in Health and Safety Code Section 13131.

(A) A person who uses ~~supportive restraints~~ supports as specified in Section 87072(a)(7), is nonambulatory.

Authority Cited: Sections 1530 and 1530.5, Health and Safety Code.

Reference: Sections 1501, 1502, 1503.5, 1505, 1507, 1507.5, 1520, 1522, 1524, 1525.1, 1526, 1526.5, 1527, 1530, 1530.5, 1531, 1531.5, 1533, 1534, 1536.1, 1537, 1550, 1551 and 11834.11, Health and Safety Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

JUN 08 1990
At 4:34 o'clock P.M.
MARCH FONG EU, Secretary of State
By Janella Cus
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 90-0509-01


LINDA BREWER
DIRECTOR

06/08/90

90-0620-01E

(See Instructions on Reverse)

RDB #0590-20

690 JUN 20 1990

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED

APPROVED FOR FILING

JUN 28 1990

For use of Office of Adm Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

EMERGENCY
STATE DEPARTMENT OF SOCIAL SERVICES

(AGENCY)


AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

6-19-90

FILED

In this office of the Secretary of State
of the State of California

JUN 22 1990

At 4:03 o'clock P.M.

MARCH FONG EU, Secretary of State
By 

Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See Instructions)		
Rosalie Clark, Chief, Regulations Development Bureau		
TITLE		
(916) 445-0313		
2. Type of filing. (check one) <input type="checkbox"/> 30-day Review <input checked="" type="checkbox"/> Emergency <input type="checkbox"/> Certificate of Compliance (Complete Part 4 below)		
<input type="checkbox"/> Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below) <input type="checkbox"/> Nonsubstantive changes with nonregulatory effect <input type="checkbox"/> Printing Error Correction		
3. a. Specify California Administrative Code title and sections as follows: MPP SECTIONS ADOPTED: 63-096 Title SECTIONS AMENDED: 63-501.3, 63-502.2 SECTIONS REPEALED: _____		
b. The following sections listed in 3a contain modifications to the text originally made available to the public: _____		
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one) <input type="checkbox"/> prior to the emergency adoption <input type="checkbox"/> within 120 days of the effective date of the emergency adoption of the above-referenced regulations.		
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if yes, give date(s) of prior submittal(s) to OAL: _____		
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if yes, give date statement was submitted to OAL: _____		
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es) <input type="checkbox"/> Fair Political Practices Commission (Include FPPC approval stamp) <input type="checkbox"/> Building Standards Commission (Attach approval) <input type="checkbox"/> State Fire Marshall (Attach approval) <input type="checkbox"/> Department of Finance (Attach properly signed Std. 399) <input type="checkbox"/> Other _____ (SPECIFY AGENCY)		
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER N/A		b. DATE OF FINAL AGENCY ACTION June 19, 1990
		c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) N/A
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse) a. <input type="checkbox"/> Effective 30th day after filing with the Secretary of State. b. <input type="checkbox"/> Effective upon filing with the Secretary of State. c. <input type="checkbox"/> Effective on _____ as required or allowed by the following statute(s): d. <input type="checkbox"/> Effective on _____ (Designate effective date <i>earlier than</i> 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).) Attach request demonstrating good cause for early effective date. Request subject to OAL approval. e. <input checked="" type="checkbox"/> Effective on <u>July 1, 1990</u> (Designate effective date <i>later than</i> the normal effective date for the type of order filed.)		

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
 - b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
 - a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).

Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
 - b. Provide the date on which the regulatory agency adopted the regulatory changes.
 - c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
 - a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.*
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Adopt new Section 63-096 to read:

63-096 IMPLEMENTATION OF RESOURCE AND INCOME EXCLUSIONS 63-096
FOR STUDENT FINANCIAL ASSISTANCE RECEIVED UNDER
BUREAU OF INDIAN AFFAIRS (BIA) STUDENT ASSISTANCE
PROGRAMS P.L. 100-50

.1 Sections 63-501.3(k)(12), 502.2(e)(5)(A)(ii)(C), 502.2(g)(1)(F), 502.2(g)(2)(B), and 63-502.2(l)(4), as amended herein, shall become effective July 1, 1990.

.2 These amended or adopted provisions in Section 63-096 shall be implemented as follows:

.21 Beginning July 1, 1990, the CWDs shall implement the amended or adopted provisions for all new food stamp applications.

.22 For continuing cases and any households entitled to restored benefits, these provisions shall be implemented and appropriate restoration of benefits made upon request by the household, at recertification, when the case is next reviewed, or when the CWD becomes aware that a review is needed, whichever occurs first. Restored benefits are to be provided back to the date of application or August 1, 1987, whichever occurred later.

.23 For a household that applied for benefits from August 1, 1987 until July 1, 1990 and was denied, the household is entitled to restored benefits back to August 1, 1987 or date of application, whichever occurred later, if the household: (1) is otherwise entitled to benefits and (2) requests a review of its case or the CWD becomes aware a review is needed.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987.

Amend Section 63-501.3 (K) to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

.3 Exclusions from Resources (Continued)

In determining the resources of a household, only the following shall be excluded:

(a) through (j) (Continued)

(k)(1) through (11) (Continued)

(12) Financial assistance provided by a program funded in whole or in part under Title IV of the Higher Education Act (as amended by Public Law 99-498) and/or under the Bureau of Indian Affairs Student Assistance Programs, (pursuant to Public Law 100-50).

(13) through (15) (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987.

Amend Section 63-502.2 to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued)

63-502

.2 Income Exclusions. Only the following items shall be excluded from household income: (Continued)

(a) through (d) (Continued)

(e) through (e) (4) (Continued)

(5) Portions of financial assistance (payments, loans, reimbursements or allowances) funded in whole or in part under Title IV of the Higher Education Act of 1965 (as amended by Public Law 99-498), and/or under the Bureau of Indian Affairs (BIA) Student Assistance Programs (pursuant to Public Law 100-50), provided to students attending an institution of post-secondary education as defined in Section 63-502.2 (d)(1) on at least a half-time basis, shall be excludable. Only the assistance intended to be used for tuition, mandatory school fees, books, supplies, transportation and miscellaneous personal expenses (other than room, board and/or dependent care) related to the cost of attendance at the educational institution shall be excluded.

(A) (Continued)

(i) (Continued)

(ii) Educational assistance received is from a program funded in whole or in part under Title IV of the Higher Education Act, and/or under the Bureau of Indian Affairs Student Assistance Programs.

(iii) (Continued)

(B) (Continued)

(C) Excludable expenses claimed by the student shall not exceed the value of the total amount of educational assistance granted from a program funded under Title IV of the Higher Education Act and/or under the Bureau of Indian Affairs Student Assistance Programs.

(f) (Continued)

(g) (Continued)

(1) (Continued)

(A) through (E) (Continued)

(F) Federal reimbursements to students provided by a program funded in whole or in part under Title IV of the Higher Education Act, and/or the Bureau of Indian Affairs Student Assistance Programs, to the extent that the verification requirements are met as specified in Section 63-502.2 (de) (5).

(2) (Continued)

(A) (Continued)

(B) Portions of any federal educational grant, scholarship, fellowship, veterans' educational benefit and the like to the extent they provide income assistance beyond that used for tuition and mandatory school fees as set forth in Section 63-502.2 (de). This provision does not apply to educational assistance provided by a program funded in whole or in part under Title IV of the Higher Education Act and/or the Bureau of Indian Affairs Student Assistance Programs, to the extent that the verification requirements are met as specified in Section 63-502.2 (de) (5).

(C) (Continued)

(h) through (k) (Continued)

(l) (Continued)

(1) through (3) (Continued)

(4) Federal educational assistance provided by a program funded in whole or in part under Title IV of the Higher Education Act and/or the Bureau of Indian Affairs Student Assistance Programs is excludable to the extent specified in Section 63-502.2(de) (5).

(5) (Continued)

Authority Cited: Section 10554 and 18904, welfare and Institutions Code

Reference: P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF
APPROVAL

FILED
In this office of the Secretary of State
of the State of California

JUN 2 1990
At 4:03 o'clock P.M.
MARCH FONG EU, Secretary of State
By Linda Brewer
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 90-0620-01


LINDA BREWER
DIRECTOR

06/28/90

90-0620-03E

(See Instructions on Reverse)

RDB #0490-12

100 JUN 20 1990
OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
JUN 28 1990

For use of Office of Adm Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

EMERGENCY
CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

Department of Social Services

(AGENCY)

El S. Michael
AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 6-18-90

FILED

In this office of the Secretary of State
of the State of California

JUN 25 1990
At 4:03 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Melissa L. Linn*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See Instructions)	TITLE	TELEPHONE	
Rosalie Clark, Chief	Regulations Development Bureau	445-0313	
2. Type of filing, (check one)	<input type="checkbox"/> 30-day Review	<input checked="" type="checkbox"/> Emergency	<input type="checkbox"/> Certificate of Compliance (Complete Part 4 below)
<input type="checkbox"/> Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)			
<input type="checkbox"/> Nonsubstantive changes with nonregulatory effect			
<input type="checkbox"/> Printing Error Correction			
3. a. Specify California Administrative Code title and sections as follows:			
SECTIONS ADOPTED: <u>11-402</u>			
Title <u>MPP</u> SECTIONS AMENDED: <u>11-400 and 11-406</u>			
SECTIONS REPEALED: <u>11-402</u>			
b. The following sections listed in 3a contain modifications to the text originally made available to the public: <u>N/A</u>			
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)			
<input type="checkbox"/> prior to the emergency adoption			
<input type="checkbox"/> within 120 days of the effective date of the emergency adoption of the above-referenced regulations.			
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if yes, give date(s) of prior submittal(s) to OAL: _____			
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if yes, give date statement was submitted to OAL: _____			
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)			
<input type="checkbox"/> Fair Political Practices Commission (Include FPPC approval stamp)		<input type="checkbox"/> Building Standards Commission (Attach approval)	
<input type="checkbox"/> State Fire Marshall (Attach approval)		<input checked="" type="checkbox"/> Department of Finance (Attach properly signed Std. 399)	
<input type="checkbox"/> Other _____ (SPECIFY AGENCY)			
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER	b. DATE OF FINAL AGENCY ACTION	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)	
<u>June 29, 1990</u>	<u>June 18, 1990</u>	<u>N/A</u>	
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)			
a. <input type="checkbox"/> Effective 30th day after filing with the Secretary of State.			
b. <input type="checkbox"/> Effective upon filing with the Secretary of State.			
c. <input checked="" type="checkbox"/> Effective on <u>7-1-90</u> as required or allowed by the following statute(s): <u>SB 370, Chapt. 1294, Stats. 1989</u>			
d. <input type="checkbox"/> Effective on _____ (Designate effective date <i>earlier than</i> 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)			
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.			
e. <input type="checkbox"/> Effective on _____ (Designate effective date <i>later than</i> the normal effective date for the type of order filed.)			

INSTRUCTIONS FOR STD 400

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Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.

Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.

Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)

b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).

Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).

Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.

Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).

b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).

c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).

Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.

Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.

b. Provide the date on which the regulatory agency adopted the regulatory changes.

c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.

Part 9. Effective Dates — check one of the following:

a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.

b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.

c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).

d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.

e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

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- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.*
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.

Linda S. McMahon

Linda S. McMahon
Director

8-26-88
Date

Amend Section 11-400 to read:

11-400 AFDC-FOSTER CARE RATES

11-400

11 Definitions. For purposes of the Foster Care Program, The following definitions shall apply wherever the terms are used throughout Chapter 11-400:

a. Base Rate + the group home rate established by the Department during the prior fiscal year, or adjusted by audit pursuant to Section 11402.741(f)(1) (Reserved)

b. (1) Base Factor - The 1.0 weighting for each eligible hour of child care and supervision (CCS).

(b2) Basic Rate - The rate paid on behalf of AFDC-FC child placed in a family home exclusive of any specialized care increment.

(3) Behavioral Science - The study of personal relationships, the results of which would improve a person's behavior, health, or happiness. Behavioral science subjects include, but are not limited to, child development, psychology, counseling and guidance, early childhood education, human services, nursing, social science, social welfare, social work, and sociology.

c. (f1) "Certified Family Home" means a family residence certified by a licensed foster family agency and issued a certificate of approval by that agency as meeting licensing standards, and used only by the foster family agency for placements.

(2) Child Care and Supervision (CCS) - One of the three program components of the standardized rate setting system.

(3) Child Care Duties - The duties required of the child care staff as provided for in Title 22, California Code of Regulations, Division 6, Section 84065.1(b) unless restricted by the August 30th Report, "FUNDING FROM OTHER SOURCES," page 6.

HANDBOOK BEGINS HERE

Title 22, Section 84065.1(b) states:

"(b) Child care staff shall perform the following duties:

- (1) Supervision, protection and care of children individually and in groups at all times.
- (2) Assistance to each child in working with a group and in handling individual problems.
- (3) Administration of discipline and setting of limits for behavior.
- (4) Notation of the child's progress; identification of the possible need for professional services; and communication of such findings to professional staff."

The August 30th Report states:

"FUNDING FROM OTHER SOURCES

The Department recognizes that circumstances may arise when it is not clear whether staff hours associated with a particular activity fall into one of the program components used for classification purposes. Such circumstances will be determined by the Department on a case-by-case basis. As a general rule, however, the source of the revenue received by the group home provider to fund an activity will be used to make this determination.

For example, a group home program may have a staff (sic) person with professional qualifications in education who works with the children on their school work outside of the school classroom. Many children in foster care are below grade level and need special attention. If the provider receives funding for this activity through the education system, it is considered an educational activity, which is not one of the three program components used for classification purposes.

However, if the provider is not otherwise funded for this activity, it may be considered a parental-type activity (helping one's child with his/her home work) that is allowable for funding under AFDC-FC and the hours will be counted as Child Care and Supervision for classification purposes. In "gray" areas such as this, considering the source of revenue used to fund an activity will allow the Department to avoid the possibility of duplication of funding from other public sources."

HANDBOOK ENDS HERE

(4) Child Care Worker - A group home employee engaged in providing child care duties and who meets CCL licensing requirements as specified in Title 22, California Code of Regulations, Division 6.

(d) Cost Rate - the group home rate resulting from the computation in Section 117402/13 of a program's reporting period, before application of a rate ceiling.

(d.1) Daily Supervision - All functions of the day-to-day care of the child, including assistance as needed with activities of daily living, personal care, planned activities, food services, incidental medical and dental as specified in California Code of Regulations, Title 22, Section 80409(a), and the assumption of responsibility for the safety and well-being of the child.

(d2) Department - The State Department of Social Services.

e. (1) Eligible Hour - The unit of time in CCS, social work activities, or mental health treatment services which may be weighted to determine points.

(d)f. (1) Family Home shall be defined in accordance with Section 45-101.1.

HANDBOOK BEGINS HERE

(1) The term family home is defined in Section 45-101.1 as follows: Family Home - the family residence of a licensee in which 24-hour care and supervision are provided for children and which is licensed by the appropriate community care licensing agency or a family residence which is approved and which provides care and supervision. For rate setting purposes, the term family home shall include homes licensed as foster family homes, or small family homes and homes which are approved. See Section 45-101.1 for definition of approved home.

HANDBOOK ENDS HERE

(2) First-line Supervisor - A group home employee responsible for the direct supervision of child care workers. This includes residential counselors, program specialists, nurses, and other supervisory staff, regardless of title, where there documentation of direct supervision of child workers.

(M3) Fiscal Year - the state fiscal year which begins July 1 and ends June 30 of the following year, unless otherwise specified.

(4) Formal Education - Completed college credits from an accredited or approved college or university.

(75) Foster Family Agency shall be defined in accordance with Section 45-101.1.

HANDBOOK BEGINS HERE

The term foster family agency is defined in Section 45-101.1 as follows: Foster family agency means any individual or organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home. Private foster family agencies shall be organized and operated on a nonprofit basis.

HANDBOOK ENDS HERE

(6) Frozen Rate - A cost-based rate set by the Department prior to July 1, 1990 based on a program's actual historical costs which is greater than the standard rate for the group home program's rate classification level (RCL) on July 1, 1990.

(7) Full-time Equivalent - A total of 40 hours for one week or a total of 173 hours for one month.

g.(1) Good Cause - The inability to respond to a required action due to circumstances beyond the control of the provider, including natural disasters and emergency medical situations.

(f2) Group home shall be defined in accordance with Section 45-101.0.

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The term group home is defined in Section 45-101.1 as follows: Group home - means a nonsecure, privately operated residential home of any capacity including a private child care institution, that provides services in a group setting to children in need of

care and supervision, and which is licensed as a community care facility by the Department. See section 42-503.3 for definition of private institution.

HANDBOOK ENDS HERE

- h.(1) Host County - ~~The county in which the # family home or group home facility is located. If the program has facilities in more than one county, the host county shall be that of the facility where the greatest number of children are placed.~~
- i.(1) Infant Supplement - The amount paid to an eligible facility in addition to the AFDC-FC payment for a minor parent for a child living with his/her minor parent(s).
- j. (Reserved)
- k. (Reserved)
- l. (¶1) Leaseback - ~~For the purposes of these regulations, leasebacks are limited to the following business arrangements: sale and leaseback, less-than-arms-length leases, and long-term leases that create material equity pursuant to 45 CFR Part 74.174 and OMB Circular A-122, Attachment B, paragraphs 42(b) through (d).~~
- (2) Licensed Clinical Social Worker (LCSW) - An individual who has been licensed by the California Board of Behavioral Science Examiners to provide clinical social work services which may be defined as social work activity or mental health treatment services.
- (3) Licensed Marriage, Family and Child Counselor (LMFCC) - An individual who has been licensed by the California Board of Behavioral Science Examiners to provide marriage, family and child counseling which may be defined as social work activities or mental health treatment services.
- (4) Licensed Mental Health Professional - An individual who is a licensed psychiatrist; licensed psychologist; licensed clinical social worker; or licensed marriage, family and child counselor as specified in Title 9, California Code of Regulations, Section 629 through 633.

m. (1) Mental Health Clinical Hour - The unit of time for the provision of direct contact mental health treatment services, consisting of 50 minutes of time with the child and ten minutes of preparation.

(2) Mental Health Treatment Services - One of the three program components of the standardized rate setting system. These services include the evaluation, therapy treatment, and psychometric testing performed by a licensed mental health professional while the licensed mental health professional and the child are together.

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(n. (1) New foster family agency program - is one which:

- (A) Serves an entirely different population at an entirely different level of service than that currently served by the foster family agency's existing program(s); and
- (B) Is either based in different certified family home(s) than the current program(s) operated by the foster family agency, or the current program(s) operated by the foster family agency is replaced by an entirely new program.

(n. (2) New foster family agency provider - is one who:

- (A) Has not operated a foster family agency or group home program for AFDC-FC funded children in the fiscal year preceding that for which the rate is being set; or
- (B) Has operated a foster family agency in the fiscal year preceding that for which the rate is being set but did not accept AFDC-FC funded children during that fiscal year; and
- (C) Has not merely added a new program; increased the level of services provided; changed incorporation; reorganized; or changed name, location, ownership or license.

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(3) New Program - A new program provided by an existing provider is one in which:

- (A) The type of child to be accepted has characteristics, behaviors, and needs for care and services which are entirely different than those in the provider's existing program(s); and
- (B) The RCL is different than those in the provider's existing program(s); or
- (C) The RCL is the same but the staff pattern is quantitatively different because:
 - (1) The number of eligible hours per child per month in at least one program component is different from the provider's existing program(s); and
 - (2) The staff's professional levels for the proposed program are disparate from those in the provider's existing program(s).

(4) New Provider - A sole proprietor, partnership, or corporate entity who has not operated a group home which receives funding from AFDC-FC or severely emotionally disturbed (SED) in the preceding fiscal year.

o. (1) On-going Training - Training provided to child care workers and first-line supervisors which is announced ahead for a particular time and place; presented by a qualified trainer; any costs incurred for the trainer, tuition, conference fees, and employee's cost of attendance, including wages or salary, shall be aid by the provider; and relates directly to the program as described in the program statement.

Ap. (1) Paid-awake - The hours in which staff are awake and reimbursed with wages.

(2) Placement Agency - shall be defined in accordance with Section 45-101.1.

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The term placement agency is defined in Section 45-101.1 as follows: Placement Agency means the agency with responsibility for placement and care of an AFDC-FC eligible child.

HANDBOOK ENDS HERE

Planned activities / are the activities described in Title 22/ California Administrative Code/ Division Chapter 5/ Section 84079/

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TITLE 22/ DIVISION 3/ CHAPTER 3/ SECTION 84079 STATES IN PART:

(A) The licensee shall develop, maintain, and implement a written plan to ensure that indoor and outdoor activities which include but are not limited to the following are provided for all children:

- (1) Activities that require group interaction;
- (2) Physical activities, including but not limited to games, sports and exercise;
- (3) Leisure time;
- (4) Educational activities, including attendance at an educational program in accordance with state law, and supervision of after school study as specified in Section 84078(c);
- (5) Activities which meet the training, money management, and personal care and grooming needs identified in the children's needs and services plans, as specified in Sections 84088/710/13 through 13y;

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(3) Point(s) - The number calculated by the hours of service per child per month weighted by education, experience, training and/or professional level of the individual providing the service and divided by the greater of 90 percent of the group home program's licensed capacity or by 5.4, as provided for in the program classification methodology.

(4) Primary Placing County - The county(ies) which places the greatest percentage of children in the group home program.

(5) Program - A separate and distinct level provider's unique combination of care and supervision services provided to an specific child population of children in one or more licensed group home facility(ies) as described in the program statement.

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A group home may provide more than one level of child care.

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(6) Program Change - Any change a group home provider makes to an existing program that may affect, in any way, the RCL, the AFDC-FC rate, or the type of children in placement.

(7) Program Classification - The computed RCL.

(8) Program peer group + for purposes of determining a rate ceiling, each group home program shall be classified as one of the following:

11Y Psychiatric Model/ see section 11402/18118Y/

12Y Psychological Model/ see section 11402/18118Y/

13Y Social Model/ see section 11402/18118Y/ or

14Y Family Model/ see section 11402/18118Y/

(9) Program peer group cost base + the basis of cost comparisons for the purpose of developing rate ceilings shall be the range of per child base rates for each program peer group, i.e., the rates established for the prior fiscal year adjusted by the California Necessities Index (CNI), excluding programs which meet the conditions specified in section 11402/3, deviations from the rate setting process.

(10) Provider - A licensee of one or more group homes.

a. (Reserved)

r. (1) Rate Classification Level (RCL) - The rate category for a program whose calculated points fall into a specified point range.

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(v) Reasonableness + reasonableness shall be determined in accordance with Welfare and Institutions Code section 11402/18Y18Y/

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(2) Residential Child Care Experience - Prior experience in providing direct child care worker duties to children residing in out-of-home care, including first-line supervision of child care workers.

(A) Qualifying experience shall include direct child care or direct supervision of child care workers at the group home program for which a rate is being requested and prior employment experience with direct responsibility caring for children or directly supervising child care workers in other group homes, county receiving home/shelters, youth authority camps and facilities, county juvenile halls and camps, juvenile detention facilities, public and/or private mental health day treatment programs, or as a licensed or certified foster parent.

(B) Qualifying experience shall include child care worker duties in nonresidential settings such as a teacher of specialized education, a juvenile probation officer, or a child protective services worker.

(C) Qualifying experience shall include experience in day care or residential adult drug and alcohol treatment programs when stated in the program statement that the specified population of children to be served by the program requires this experience.

s.(#1) Social Work Activities ~~ASWY~~ - those activities/ not necessarily restricted by the type of credentials held/ performed by an employee of a group home which may include the following tasks:

1. development of needs and services plan/ development of discharge plan/ group and/or individual counseling/ and reassessment to identify changing needs and to modify plans/

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(B) Interaction (counseling and therapy) between the employee and the child and/or others aimed at preparing the child to analyze and better understand the situation is included in Social Work Activities. Specifically, this includes helping the child understand the reason for placement and to handle associated emotional problems, resolving the difficulties between child and family that led to the need for placement, and planning for the return of the child. These guidelines apply to the functions performed and are not necessarily restricted by the type of credentials held by the employee performing the activity.

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One of the three program components of the standardized rate setting system. These activities are as specified in the August 30th Report, Attachment A, subparagraphs (a) and (b) except as restricted by the August 30th Report, "FUNDING FROM OTHER SOURCES," page 6.

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Social work activities, as provided in the August 30th Report state in relevant part:

- "(A) Development of needs and services plan; development of discharge plan; assessment to identify changing needs.
 - 1. Psychological and psychometric testing is not considered a social work activity.
- (B) Interaction (counseling) between the employee and the child and/or others aimed at preparing the child to analyze and better understand the situation is included in Social Work Activities. Specifically, this includes helping the child understand the reason for placement and to handle associated emotional problems, resolving the difficulties between child and family that led to the need for placement, and planning for the return of the child."

(2) Social Worker - An individual qualified to perform social work activities who has at least a Master's Degree, from an accredited or state approved graduate school, in social work or social welfare; marriage, family, and child counseling; child psychology; child development counseling; psychology; clinical psychology; social psychology; Master's Degree with another title, the purpose of which was to train persons to provide social work activities; or a Baccalaureate Degree in social work or social welfare and at least two years of experience in providing social work activities including the experience where the social work activities were performed in mental health settings.

(x3) Specialized Care Increment - an amount paid to a family home in addition to the family home basic rate on behalf of an AFDC-FC child requiring specialized care because of health and/or behavior problems.

(w4) Specialized Care Rate - the total rate paid on behalf of an AFDC-FC child requiring specialized care. Such rate includes both the family home basic rate and the additional specialized care increment.

(y5) Specialized Care System - any mechanism utilized by a county to pay family homes, as defined in Section 11-400.2, a rate greater than the county's basic foster care rate on behalf of an AFDC-FC child placed in emergency shelter care or with care needs greater than those of a normal foster child, because of health and/or behavior problems.

t. (1) Training Log - A compilation of documentation necessary to verify on-going training provided to child care workers and first-line supervisors.

(2) Training Plan - A summary of on-going training to be provided for child care workers and first-line supervisors which must be approved by the Department.

u. (Reserved)

v. (Reserved)

w. (1) Weighting/Weighted - The factor applied to the eligible hours in each of the three program components to determine the number of points.

x. (Reserved)

y. (Reserved)

z. (Reserved)

Authority Cited: Sections 10553, 10554, 11462(j), and 11466.1, Welfare and Institutions Code and Chapter 1294, Statutes of 1989, Section 23.

Reference: Sections 10852, 11460, 11462, 11466.1 11466.2, 11466.3 and 18350, Welfare and Institutions Code and The Classification of Group Home Program Under the Standardized Schedule of Rate System Report, August 30, 1989.

Repeal Section 11-402.

11-402 GROUP HOME RATE SETTING

11-402

.1 Rate Determination Process

.11 The Department shall set rates for each provider utilized by counties for AFDC-FC placements.

.111 In the event the requirements set forth in Section 11-402 are not met by individual providers or county welfare departments, the Department shall be under no obligation to set rates for any particular provider.

.12 One rate shall be set for each program for which a rate request is received from a given provider.

.121 Each provider shall identify and describe each of the programs offered by the provider.

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.122 The Department shall have the authority to verify the legitimacy and accuracy of the descriptions of each program offered.

(a) Where a provider submits a rate request for more than one program and the Department determines that no significant difference exists between the programs, a separate rate shall not be set.

.123 Only those costs that are reasonable and applicable to meeting the needs of the AFDC-FC children shall be allowed as specified in Section 11-402.2.

.13 Cost Reporting Period

.131 Actual cost data shall be reported for the 12 months of the immediately preceding calendar year period, beginning January 1 and ending December 31 except as provided in (a) or (b) below:

(a) The provider meets the conditions specified in Section 11-402.5, Deviations From the Rate Setting Process.

(b) The provider was unable to submit actual cost data to establish a rate for the immediately preceding fiscal year, and has accumulated a minimum of six consecutive months of actual cost data for the immediately preceding calendar year. Providers that meet this condition shall submit costs for each consecutive, full month for which costs are available ending December 31.

.14 Actual Cost Adjustment

.141 Reported allowable costs shall be adjusted to include, subject to funds appropriated by the Legislature for fiscal year 1984/85 and subsequent years, those new government mandated cost increases which the Department finds have a major impact and are applicable to either all or a large number of providers.

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(a) Example: Effective January 1, 1984, nonprofit organizations will be required to contribute to the Social Security Program. Subject to the funds appropriated by the Legislature, the cost increase would be allowable for rates set effective fiscal year 1984/85.

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.142 Reported allowable costs shall be adjusted by the Department based on the Commission of State Finance's California Necessities Index (CNI) for the most recent full calendar year.

.15 Rate Computation

.151 In computing the monthly rate per child for each program, the total allowable costs for the cost reporting period for each program adjusted pursuant to .14 above, shall be divided by eighty-five percent of the licensed capacity for the cost reporting period except as specified in Section 11-402.151(b).

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(a) Changes in licensed capacity during the year shall be prorated according to the length of time the program operated under each capacity.

(b) The following applies when computing the monthly rate per child for programs which include a minor parent(s) who has his/her child(ren) living with him/her in placement. This applies only to such programs where the licensed capacity includes the children receiving an infant supplement.

(1) The provider shall report the program's actual occupancy for the cost period in a format prescribed by the Department.

(2) The total allowable costs for the cost reporting period adjusted pursuant to Section 11-402.14, shall be divided by the average actual occupancy of the program for the cost reporting period. Average actual occupancy is the number of days children (excluding a child(ren) living with his/her minor parent(s)) are in the placement, divided by the number of days in the cost period.

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(3) Examples of calculation to determine average actual occupancy of a program:

Excluding children living with their minor parents:

(A) Multiply the number of group home children who were in the program for the entire month by the number of days in the month. Add the number of days for other children admitted or discharged during the month. The first day of care is counted; the last day is not. Do this for each month in the cost reporting period.

(B) Then, add the monthly totals and divide this number by the number of days in the cost reporting period. The resulting number is the average actual occupancy for the cost reporting period.

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.152 The figure resulting from .151 above shall be divided by the number of months in the cost reporting period and that resulting figure shall be considered the monthly rate for each program subject to the limitations of Section 11-402.16, Rate Ceilings.

.16 Program Peer Group Determination Process

.161 The Department of Social Services (SDSS) shall classify each group home program into one of four program peer groups based on the overall similarity of the program to each set of characteristics described in Sections 11-402.16(a) through (d). A group home program shall not be required to meet all characteristics listed for a described model to be classified in the program peer group associated with that model. The four program peer group classifications shall be based on the following criteria:

(a) Psychiatric Model

(1) Treatment Focus - primarily designed to treat children with diagnosed psychiatric problems.

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- (2) Psychiatric Services - full-time (40 hours per week or more) payroll or contract staff provide direct psychiatric services to all children in the program; psychiatric consultation is used on program design and staff training.
- (3) Psychological Treatment Services - not usually provided.
- (4) Social Work Activities - primarily provided by Licensed Clinical Social Workers (LCSW), with approximately one full-time position equivalent per eight beds licensed capacity.
- (5) Intensity of Basic Care - provided by child care workers who hold Bachelors degrees and above; staffed in eight-hour shifts, with awake night staff; during peak hours regulation child care staff are augmented.
- (6) Housing Pattern - large, self-contained, campus-like facility with the majority of services provided on site.
- (7) Community Involvement - children rarely participate in community recreational and other activities, and are always accompanied by group home staff who provide close supervision.
- (8) Education - children attend a public or private school located on grounds or at another location, primarily operated for the group home program; educational services are integrated with other group home services.
- (9) Planned Activities - are professionally designed and highly individualized, aimed at the social and physical development of the individual child, and integrated with other services as a scheduled part of treatment.

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(b) Psychological Model

- (1) Treatment Focus - primarily designed to treat underlying emotional problems of children and families; behavioral issues are also addressed.
- (2) Psychiatric Services - part-time (less than 40 hours per week) payroll or contract staff provide direct psychiatric services to some children; psychiatric consultation is likely to be used on program design and staff training.
- (3) Psychological Services - full-time (40 hours or more per week) payroll or contract staff provide direct psychological services to all children in the group home program; psychological consultation is used on program design, individual children's treatment plans, and staff training.
- (4) Social Work Activities - primarily provided by persons holding Masters of Social Work (MSW), licensed Marriage, Family and Child Counselor (MFCC) or equivalent degrees as approved by Community Care Licensing, with some LCSW; approximately one full-time position equivalent per nine to 16 beds licensed capacity.
- (5) Intensity of Basic Care - provided primarily by child care staff with Associates degrees or over 60 semester units of college staffed in eight-hour shifts with awake night staff or may have asleep night staff with a separate facility for day programming; during peak hours regular child care staff may be augmented, or relief staff may be scheduled at weekly or bi-weekly intervals.

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- (6) Housing Pattern - large, campus-like facility with the majority of services provided on-site, or centralized day programming with off-site residential homes.
- (7) Community Involvement - children participate in community recreational and other activities occasionally, with the usage structured and the activity itself, as well as the children, supervised by group home staff.
- (8) Education - children attend an on-grounds public or private school or an off-grounds public school.
- (9) Planned Activities - are centrally planned and scheduled; activities are structured and integrated with other services, with little individual choice of activities by children.

(c) Social Model

- (1) Treatment Focus - primarily designed to treat children exhibiting behavioral problems who do not evidence marked emotional problems.
- (2) Psychiatric Services - psychiatric services, if required, are provided by various psychiatrists in the community; little or no psychiatric consultation on program design and staff training.
- (3) Psychological Services - part-time (less than 40 hours per week) payroll or contract staff provide direct psychological services; some children receive direct psychological services; likely to be psychological consultation on program design and staff training

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- (4) Social Work Activities - primarily provided by persons holding MSW, MFCC, or equivalent degrees as approved by Community Care Licensing; approximately one full-time position equivalent per 17 to 25 beds licensed capacity.
- (5) Intensity of Basic Care - provided by child care staff who primarily are high school graduates with some college, usually less than 60 semester units; staffed in eight-hour shifts with awake night staff, or may have asleep night staff when there is a separate facility for day programming, or child care staff may work 24-hour, or multiple 24-hour shifts; relief staff are scheduled occasionally, usually not more than once a month.
- (6) Housing pattern - centralized day programming with off-site residential homes, or small (eight beds or less) facilities located in the community without a central service site or a large campus-like facility with the majority of services provided on-site.
- (7) Community Involvement - children frequently participate in community recreational and other activities, with supervision of the children, rather than supervision of the activity itself, provided by the group home program.
- (8) Education - children attend off-grounds public school or an on-grounds private or public school.
- (9) Planned Activities - are planned by the group home programs, with some degree of choice of activities exercised by children.

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(d) Family Model

- (1) Treatment Focus - primarily designed to provide socialization for children who do not display age-appropriate social and relationship skills.
- (2) Psychiatric Services - little or no direct psychiatric services or consultation is provided.
- (3) Psychological Services - little or no direct psychological services or consultation is provided.
- (4) Social Work Activities - primarily provided by persons holding MSW, MFCC or equivalent degrees as approved by Community Care Licensing; approximately one full-time position equivalent per 25 or more beds licensed capacity.
- (5) Intensity of Basic Care - provided primarily by child care staff who are high school graduates or equivalent (GED or four years experience in the child care field); where child care staff perform paracounseling services, qualifications required by the group home program may be higher, e.g., Bachelors degrees and above; child care staff include live-in houseparents, and may include other full or part time child care workers, typically with no awake night staff; relief staff are scheduled occasionally, usually not more than once a month.
- (6) Housing Pattern - single, small (eight beds or less) facility or multiple small facilities located in the community.

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- (7) Community Involvement - children participate extensively in community recreational and other activities, with parental-type supervision.
- (8) Education - all children attend public schools.
- (9) Planned Activities - are family type, community based, with a high degree of choice of activities exercised by children.

.162 The classification shall be based entirely on information available to SDSS as of the due date of the provider's rate request.

.163 Providers shall report all information necessary for a determination by SDSS of the applicable program peer group as part of the annual rate determination process pursuant to Section 11-402.411(a) and as follows:

- (a) Upon initiation of a new program pursuant to Section 11-402.52.
- (b) As needed to clarify discrepancies between the information provided in the rate request and by counties pursuant to Section 11-402.164.

.164 Upon request by SDSS, counties shall report their understandings of the services offered by the program.

.165 The program peer group classification shall be based on the program structure and services as of December 1 of each year and shall be effective for the following fiscal year, except as follows:

- (a) The provider meets the conditions specified in Section 11-402.5, Deviations from the Rate Setting Process. In such case, the effective period of the program peer group classification shall be consistent with the applicable rate request submission requirement and the effective date(s) of the rate(s).

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.166 The program peer group cost base shall be the range of per child base rates for each program peer group, i.e., the rates established for the prior fiscal year, adjusted by the California Necessities Index (CNI), excluding programs which meet the conditions specified in Section 11-402.5, Deviations from the Rate Setting Process (Section 11-400.1(o)).

.167 The base rate shall be the rate established by the Department during the prior fiscal year, or adjusted by audit pursuant to Section 11-402.741(a) (Section 11-400.1((b))).

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.168 Program peer group reclassifications as the result of audits under Section 11-402.7 and rate reviews and hearings under Section 11-402.6 shall be incorporated in the program peer group cost base the fiscal year following the date the provider is notified the audit exception has been sustained or the rate review determination or hearing decision is issued by SDSS.

.17 Rate Ceilings

.171 The maximum rate for each program shall be the lesser of:

(a) The cost rate.

(b) The greater of:

(1) The highest rate previously established by SDSS, or adjusted by audit pursuant to Section 11-402.741(a), excluding initial rates established under Section 11-402.5.

(2) The base rate plus an amount determined by the Department based on the appropriation for AFDC-FC group home rate increases included in the annual Budget Act. Any appropriation for AFDC-FC group home rate increases shall be distributed as follows:

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(A) For base rates up to the 85th percentile per child within the applicable program peer group cost base, an increase up to the lesser of the percentage increase appropriated for group home rate increases in the Budget Act or the 85th percentile adjusted by one-half that increase shall be allowed.

(B) For base rates above the 85th percentile per child within the applicable program peer group cost base, an increase equal to one-half the percentage increase appropriated for group home rate increases in the Budget Act shall be allowed.

(C) Any difference between the total appropriation for group home rate increases and the amount distributed under Sections 11-402.171(b)(2)(A) and (B) shall be distributed as follows:

(i) For base rates below the 15th percentile per child within the applicable program peer group cost base after application of the increase under Sections 11-402.171(b)(2)(A) and (B), an increase up to this level shall be allowed to the extent funds are available. If the amount of funds is insufficient for this purpose, the funds available shall be distributed as a flat dollar increase to these rates up to the applicable 15th percentile per child.

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.172 Example: Assume the percentage appropriated in the Budget Act for AFDC-FC group home rate increases is 4 percent, and sufficient funds are available to increase all Base Rates to the 15th percentile of the applicable program peer group cost base.

(a) Group Home A's Base Rate is \$1200, the current Cost Rate is \$1300, the 85th percentile of the applicable program peer group cost base is \$2800, the median is \$1700, and the 15th percentile is \$1250.

Calculation:

\$1200 (the Base Rate) is less than \$2800 (the 15th percentile). R

\$1200 (the Base Rate) \times 1.04 (the percentage appropriated) = \$1248. E

\$1248 is less than \$1250 (the 15th percentile). The Rate Ceiling is therefore \$1250. P

\$1250 (the Rate Ceiling) is less than \$1350 (the Cost Rate). E

The rate established is \$1250. A

(b) Group Home B is a member of the same program peer group as Group Home A. Group Home B's Base Rate is \$2750; the current Cost Rate is \$2900.

Calculation:

\$2750 (the Base Rate) is less than \$2800 (the 85th percentile). L

\$2750 (the Base Rate) \times 1.04 (the percentage appropriated) = \$2860.

\$2860 is greater than \$2800 (the 85th percentile). The Rate Ceiling is therefore \$2856 (\$2800 \times 1.02).

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\$2856 is less than \$2900 (the Cost Rate).

The rate established is \$2856.

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.2 Allowable costs

.21 In order to be claimed for AFDC-FC reimbursement, all costs shall be both allowable and reasonable as defined in federal statutes and regulations including 45 CFR, Part 74, and 45 CFR, Part 1356, in addition to other costs as described in (d) and (e) below.

.211 Allowable costs shall include:

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- (a) The reasonable cost of, and the cost of providing the following:
 - (1) Food.
 - (2) Clothing.
 - (3) Shelter.
 - (4) Daily supervision.
 - (5) School supplies.
 - (6) Personal incidentals.
 - (7) Travel to the child's home for visitation.
 - (8) Liability insurance which covers the child.
- (b) The reasonable cost of administration and operation necessary to provide the items described in (a) above.
- (c) The reasonable social work activities offered by providers [see Section 11-400.2(n)].

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- (d) Reasonable, actual principal and interest on original acquisition mortgages.

(1) If the original acquisition mortgages are refinanced, the lesser of the following shall be allowed:

(A) The amount of interest associated with the original acquisition loan amounts, or

(B) The amount of interest associated with the remaining principals.

(e) The reasonable, actual lease or rental costs for leasebacks of real property.

(f) The reasonable cost incurred for vehicle and equipment leasebacks as if owned by the provider as described in Section 11-402.321.

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.212 Reasonableness will be determined in accordance with Welfare and Institutions Code Section 11462(b)(2).

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(a) Reasonableness test shall include but not be limited to comparable costs of similar programs.

.213 Shelter costs shall not be considered reasonable in excess of the percent of fair market value limit as described below:

(a) Reimbursement of shelter costs shall not exceed 12 percent of the fair market value of owned, leased and rented buildings, exclusive of idle capacity and capacity used for nongroup home programs and activities.

(1) Fair market value shall be determined by either of the following methods as chosen by the provider:

(A) The market value shown on the last tax bill for the cost reporting period;

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(B) The market value determined by an independent appraisal. The appraisal must be performed by a qualified, professional appraiser who, at a minimum, meets standards for Class III appraisers as specified in Title 10, California Administrative Code, Subchapter 2, and shall not be deemed independent if performed under a less-than-arms-length agreement or by a person or persons employed by, under contract with for purposes other than performing appraisals, or having a material interest in any group home which receives AFDC-FC funds. The Department shall have the authority to determine that any appraisal does not meet the standard specified herein.

(2) Shelter costs for the purpose of the limit specified in Section .213 shall be the following:

- (A) Original mortgage principal and interest, for owned property;
- (B) Use allowance on buildings for which no original mortgage principal or interest is claimed, for owned property;
- (C) Actual lease or rental costs, regardless of the party from whom the property is leased or rented, for leased or rented property;
- (D) Use allowance for capital improvements, for both owned and leased or rented property;
- (E) Taxes, for both owned and leased or rented property;

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- (F) Insurance, for both owned and leased or rented property; and
- (G) The costs of independent appraisals, for both owned and leased or rented property.

.22 Unrestricted charitable donations from nongovernmental sources shall be disregarded in determining the rate(s).

.221 Payments from governmental sources other than AFDC-FC (see exception .223 below) shall offset allowable costs.

.222 Restricted donations from private sources specified to fund an allowable cost shall offset allowable costs.

.223 Clothing allowances shall offset allowable costs.

.23 Costs that are not allowable shall include but not be limited to the following:

- (a) Overhead and supervision costs associated with unallowable activities.
- (b) Litigation expenses associated with suits filed against an agency of the County, State, or Federal Governments.
- (c) Retainer fees for physicians, lawyers, and accountants.
- (d) Psychiatric and psychological consultations associated with unallowable Title IV-E activities.
- (e) The cost of medical diagnosis, hospital expenses, and physician services.
- (f) The cost of formal educational activities.
- (g) Vocational training which substitutes for formal education.

(h) Recreation costs except where it substitutes for otherwise necessary daily supervision.

(i) The cost of more than one appraisal per year per facility, the cost of an appraisal performed by an appraiser deemed by the Department not to be a qualified, professional appraiser meeting the standard specified in Section 11-402.213(a)(1)(B), and the cost of appraisals performed under a less-than-arms-length agreement or by a person or persons employed by, under contract with for purposes other than performing appraisals, or having a material interest in any group home which receives AFDC-FC funds.

(j) Any cost for a child living with his/her minor parent.

.3 Accounting Requirements

.31 General Requirements

.311 The accrual basis of accounting shall be used in reporting actual allowable costs.

(a) Accrued costs for the preceding year must have been paid by the rate request due date. (See Section 11-402.413.)

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Accrued employee vacation and sick leave are considered intangible liabilities rather than costs. These need not be paid off by the rate request due date but should be reported as employee benefits in the cost period when accrued. These costs must not be shown again when paid.

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(b) Accrued costs not paid by the due date of the rate request shall be expensed in the subsequent cost period in which they are paid.

.312 Accounting records shall be maintained in accordance with generally accepted accounting principles.

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.313 All accounting records shall be retained for a minimum period of four years from the date of the final claim for that annual period or until all audit issues have been resolved.

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(a) Examples include journals, ledgers and supporting documentation, invoices, receipts, checks, vouchers, etc.

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.32 Depreciation/Use Allowance

.321 The straight-line method of calculating depreciation shall be used for equipment with a useful life of more than two years valued at \$500 or more based on the initial acquisition cost.

(a) Useful life shall be:

(1) A minimum of three years for automobiles.

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Examples include passenger vehicles and general purpose trucks with unloaded weight less than 13,000 lbs.

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(2) A minimum of five years for all other depreciable equipment.

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Examples include office equipment, computer equipment, buses, commercial vans, and heavy general purpose trucks with unloaded weight of 13,000 lbs. or more.

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.322 Providers shall be permitted to convert their existing depreciation methods to schedules which are consistent with the method specified in .321 above.

(a) The total depreciation charges throughout the useful life of the equipment shall not exceed the original cost of acquisition.

.323 Use allowance shall be applied to the acquisition cost of buildings for which no original mortgage principal and interest is paid and improvements.

(a) Use allowance shall be computed at an annual rate of two percent.

.324 Charges for use allowances or depreciation shall be supported by adequate property records, including acquisition date and cost, and the depreciation period and the amount charged each cost period where applicable.

.325 Physical inventories shall be taken and documented at least once every two years for depreciable equipment. (See Section 11-402.321 above.)

.33 Gains or losses on the sale, retirement or other disposition of vehicles and other equipment shall be included as credits or charges in the year in which they occur.

.34 Cost Allocation Process

.341 Allowable costs shall be allocated to each program.

(a) Allocation bases shall include but not be limited to the following:

(1) Direct child care hours.
(2) Number of children in each program.
(3) Square footage.
(4) Number of meals served.

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.342 Guidelines for allocating costs are contained in the AFDC Foster Care Group Home Rate Setting Manual.

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Rate Request Process

.41 Rate Request Submission

.411 Each provider shall submit to the Department a completed rate request for each program being provided in order to receive a rate for that program.

(a) A rate request shall include completed required forms, Program Statement and other supporting documentation as determined by the Department.

(b) Both the actual lease or rental costs, and the original acquisition mortgages' principal and interest costs which would have been incurred if the property were owned by the provider, shall be reported for leasebacks of real property.

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.412 A rate request shall be considered complete when all required forms and other documentation have been completed and submitted to the Department.

(a) If all the required forms necessary to the actual setting of rates have been submitted, but additional necessary documentation is missing, the rate request shall be considered complete if the provider submits the remaining documentation within 30 days after notification by the Department.

.413 A complete rate request is due April 1 of each year.

.414 A rate request shall not be accepted from an existing provider after July 1 of each year. Providers who do not submit a complete rate request by July 1 shall not have a rate set for the new fiscal year and the rate set for the prior fiscal year shall remain in effect.

.415 Exceptions to these due dates are specified in Section 11-402.5.

.42 Effective Date of Rates

.421 July 1 shall be the effective date for the rates when the rate request is submitted on time or late with good cause.

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.422 Effective dates of rates for providers who submit a late rate request without good cause shall be established as follows:

- (a) If the rate request is submitted from one day to one month late, the effective date will be August 1.
- (b) If the rate request is submitted from one month and one day to two months late, the effective date will be September 1.
- (c) If the rate request is submitted from two months and one day to three months late, the effective date will be October 1.
- (d) Where the new rate is lower than the old rate, the lower rate shall be set retroactively to July 1 and adjusted pursuant to Section 11-402.8 on Overpayments.

.423 Exceptions to the effective dates of rates are specified in Section 11-402.5.

.43 Certified Public Accountant (CPA) Requirements

.431 The Department shall have the authority to require a CPA audit of any pending rate request.

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.432 Welfare and Institutions Code Section 11402.9 provides that the Department has the authority to provide specific guidelines for CPA audit purposes.

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.44 Audit Records and Documents

.441 Providers shall provide copies of exempt tax returns, sole proprietorship schedules of tax returns, CPA information, or other applicable information as requested by the Department.

5 Deviations from the Rate Setting Process

.51 New Providers

.511 For purposes of this section, the following definition shall apply:

(a) New provider - one who meets the conditions of either (1) or (2) below:

(1) Has not operated a group home or homefinding agency for AFDC-FC funded children in the fiscal year preceding that for which the rate is being set and meets one of the following conditions:

(A) opens a new group home.

(B) changes license status from a foster family home, small family home, or large family home, to a group home.

(2) Has operated a group home for children in the fiscal year preceding that for which the rate is being set but did not accept AFDC-FC funded children during that fiscal year.

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.512 The definition of a new provider shall not be met by the addition of a new program; an increase in the level of services provided; a change of incorporation; reorganization; or a change of name, location, ownership, or license without the change in license status indicated in Section 11-402.511(a)(1)(B) above.

.513 The following shall apply to initial rates:

(a) New providers who meet the conditions of Section .511(a)(1) shall submit to the Department a complete rate request based on projected costs for the first year of operation.

(b) New providers who meet the conditions of Section .511(a)(2) shall submit to the Department a complete rate request based on actual cost data for the preceding calendar year.

(c) The Department shall compare the projected costs with costs allowed for similar programs to determine reasonableness in order to set an appropriate initial rate.

(d) The initial rate shall be set in accordance with the requirements of Sections 11-402.15, 11-402.2, 11-402.3, and 11-402.412. This initial rate shall remain in effect until the first actual cost rate is set.

R .514 The following shall apply to the first actual cost rates: **R**

E (a) The provider shall submit to the Department a complete rate request based on six months of actual cost data. **E**

P (b) For purposes of determining the six-month cost period, the initial month of operation shall be the month in which the first placement was accepted but no earlier than the month the group home was licensed. **P**

A (c) The provider shall be permitted to begin the six-month cost period by using either (1) or (2) below: **A**

(1) the first month following the initial month of operation.

(2) the fourth month following the initial month of operation.

(A) Under this option, the provider shall also submit cost and occupancy data for the first three months following the initial month of operation. However, the first actual cost rate shall be based on only the six-month cost period specified in (1) above.

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(d) Example: The first placement was accepted September 23, 1984. The provider may submit actual cost data beginning either: (1) October 1, 1984 through March 31, 1985; or (2) October 1, 1984 through June 30, 1985. Under option (2), the rate shall be based on only the cost data for the period January 1, 1985 through June 30, 1985.

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(e) The complete rate request shall be submitted by the first day of the fourth month following the end of the six-month cost period.

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(1) Example: If the cost period ends June 30, 1985, the rate request must be submitted by October 1, 1985.

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(2) If the rate request is submitted by the due date, or late with good cause, the first actual cost rate shall be set retroactive to the first of the month following the cost period.

(3) Effective dates of rates for providers who submit late rate requests without good cause shall be established as follows:

(A) If the first actual cost rate is higher than the initial rate, the higher rate shall be effective the first of the month following the date of actual receipt.

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(B) If the first actual cost rate is lower than the initial rate, the lower rate shall be set retroactive to the first of the month following the cost period.

(f) A rate request shall not be accepted later than six months beyond the end of the cost period.

(i) Providers who do not submit a rate request within the six months shall not have a rate set for the new fiscal year, and shall not receive AFDC-FC funds beyond eight months from the end of the cost period.

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(2) Example: The six-month cost period ended July 31, 1984. If the rate request is not submitted by February 1, 1985, the provider would not have a rate set for the fiscal year 1985/86 and would not receive AFDC-FC funds after April 1, 1985.

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(g) The first actual cost rate shall be set in accordance with the requirements of Sections 11-402.11 through .15, .2, and .3 and shall remain in effect until the second actual cost rate is set.

.515 The following shall apply to the second actual cost rate:

(a) When the provider has accumulated 12 months of cost data for the immediately preceding calendar year period beginning January 1 and ending December 31, the provider shall submit to the Department a complete rate request based on actual costs for the full 12 months of that calendar year.

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(1) The complete rate request shall be submitted by April 1 following the 12-month cost period. See Section 11-402.42 regarding effective date of rates.

(b) If the provider has accumulated a minimum of six months but less than 12 months of cost data for the immediately preceding calendar year, the provider shall have the option to submit to the Department a complete rate request based on either (1) or (2) below:

- (1) The number of months of cost data available for the preceding calendar year.
- (2) twelve months of cost data for the following calendar year.

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(3) Example: The first placement was accepted April 8, 1984. The provider submitted actual cost data for the period May 1, 1984 through January 31, 1985 resulting in a first actual cost rate effective February 1, 1985. To establish the second actual cost rate, the provider has the option to submit the rate request either: (1) April 1, 1985 for a fiscal year 1985/86 rate. The provider would submit actual cost data for the period May 1, 1984 through December 31, 1984 or; (2) April 1, 1986 for a fiscal year 1986/87 rate. The provider would submit actual cost data for the period January 1, 1985 through December 31, 1985.

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(4) The complete rate request shall be submitted by April 1 following the cost period selected. See Section 11-402.42 regarding effective date of rates.

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(A) Example: See Example (b) (3) above.

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(c) The second actual cost rate shall be set in accordance with the requirements of Sections 11-402.1 through 11-402.3.

.52 New Programs

.521 For purposes of this section, the following definition shall apply:

(a) New program - one which meets both of the following conditions:

(1) Serves an entirely different population at an entirely different level of service than the currently served by the provider's existing program(s).

(2) Is either in a different location than the current program(s) operated by the provider or the current program(s) operated by the provider is discontinued in favor of a new program.

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.522 Providers shall obtain and submit to the Department verification from the host county that:

(a) The provisions of 11-402.52 are met; and

(b) The need for the new program(s) is justified.

.523 Providers with new programs shall submit to the Department a complete rate request based on projected costs for the first year of operation.

(a) The initial rate shall be set in accordance with the requirements of Sections 11-402.15, 11-402.2, 11-402.3, and 11-402.12. This initial rate shall remain in effect until the first actual cost rate is set.

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.524 Initial rates for new programs shall be the appropriate amount as determined by the Department, but not to exceed (a) or (b) below:

- (a) The rate in existence.
- (b) If the provider has more than one program, not to exceed the rate of the provider's most comparable program.

.525 The initial rate shall remain in effect until the first actual cost rate is set in accordance with Section 11-402.514.

.526 The second actual cost rate shall be set in accordance with Section 11-402.515.

.53 Program Expansions

.531 All other changes which do not meet the requirements of Sections .51 and .52 above shall be designated program expansions.

- (a) Costs associated with these changes shall be incorporated into the rate request for the following year's rate setting process.

.54 County Established New Providers and New Programs

.541 For new providers and new programs with initial rates set by the counties pursuant to Sections 11-301.2 and 11-302.2 between January 1, 1982 and June 30, 1983, the following shall apply:

- (a) The initial rate shall remain in effect until the first actual cost rate is set in accordance with Section 11-402.514.
- (b) The second actual cost rate shall be in accordance with Section 11-402.515.

.55 Providers Unable to Submit Cost Data

.551 Providers who are unable to submit the required cost data, and do not meet the requirements of 11-402.131(b), shall provide justification to that effect to the Department.

- (a) Providers unable to furnish the justification required in .551, shall be subject to the rate request process specified in 11-402.4.

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.552 Providers who are determined by the Department to be unable to submit cost data for the current rate-setting period shall continue to receive the rate(s) in existence until the following fiscal year.

.56 Regional Center Providers

.561 For the Fiscal Year 1985/86, providers shall be permitted to receive their Fiscal Year 1984/85 AFDC-FC group home rate when the following conditions are met:

- (a) The majority of residents in placement during the 1984 calendar year were placed by regional center(s) and funded by the Department of Developmental Services.
- (b) The number of AFDC-FC funded children in placement during 1984 calendar year comprised no more than either 20 percent of the total group home licensed capacity of two children, whichever is greater for a given program.

.562 Provider who meet the conditions in .561 above and choose to continue receiving their fiscal year 1984/85 AFDC-FC group home rate shall submit justification to that effect to the Department by April 1, 1985.

.57 Public Institutions

.571 A public child care institution is defined in Section 45-101.1(ff).

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- (a) Section 45-101.1(ff) defines a public child care institution as a publicly operated, nonsecure child care facility which has a licensed capacity not exceeding twenty-five children and is licensed as a residential community care facility by the Department.

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.572 Counties intending to submit claims for federal matching funds shall maintain a tracking system to identify allowable costs for children in public institutions.

.573 When there are no funding restrictions on federal matching funds, pursuant to Section 45-101.1(s), claims for actual costs shall be submitted to the Department by the counties choosing to participate, in accordance with procedures and forms prescribed by the Department.

.6 Rate Review Process

.61 Providers who disagree with the rate as set by the Department or with other factors related to the rate setting process shall be permitted to request a review by submitting a written review request to the Department within 30 days from the date of mailing of notification of the new rate.

.611 The written review request shall include the following information:

- (a) Name and phone number of the person representing the provider, if applicable.
- (b) Name and address of the provider.
- (c) Reason for the review request, including any additional substantiating information.
 - (1) If the reason for the review request is a disagreement with the program peer group classification made by SDSS, substantiating information shall include identification of each county which had a child placed in the program, and the number of children placed by each county, as of December 1 of the preceding fiscal year.
 - (d) Signature of the provider and the date signed.

.62 The Department shall notify the provider in writing of the review determination.

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.621 The new rate set by the Department shall be the rate paid pending the review determination.

.63 Providers who disagree with the results of the review shall be permitted to request a hearing with the Director or the Director's designee.

.631 The Department shall specify the manner and timeframes of the hearing process.

.7 State Audit Requirements

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.71 Welfare and Institutions Code Section 11462(e) requires that all providers who have received funds on behalf of children receiving assistance under the AFDC-FC Program shall be subject to an audit at least once every three years.

.72 Such audits may be performed by the Department, its agents, or by an audit agency of the Federal Government.

.721 The scope of audits may include compliance with all applicable federal and state laws, regulations, and instructions based on those laws and regulations in effect during the audit period.

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.73 A provider shall be responsible for making available all requested records and documents during such audits.

.731 Refusal to cooperate by not providing the requested records and documents shall result in the elimination of AFDC-FC funding.

.74 If an audit exception is sustained, the Department shall apply audit application methods including, but not limited to, the following:

.741 Adjustment of rate.

(a) Adjusted rates become the rate base as specified in Section 11-402.161.

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- .742 Cash payment.
- .743 Claim offset.
- .75 Providers who are dissatisfied with the results of an audit shall be permitted to file a protest with the Department.
 - .751 The Department shall issue a decision letter based upon the audit findings, regulations, policies and additional information transmitted by the provider.
- .76 Providers who are dissatisfied with the decision shall be permitted to request a hearing with the Director or the Director's designee in accordance with the procedures in section 25-250.3.
- .761 For the purposes of this section "group home provider" shall be substituted wherever "county" is used in Section 25-250.3.

.8 Overpayments

- .81 This overpayment section shall not cover AFDC-FC eligibility criteria for individual children.
- .82 For purposes of this section, the following definitions shall apply:
 - .821 Overpayment - That amount of aid payment a provider has received to which the provider is not entitled due to either:
 - (a) a provider error caused by erroneous, incomplete, or misleading information provided to the Department in the rate request.

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- (1) Examples include unallowable costs, double billing, unallowable allocations, false claims, estimated costs reported as actual costs, etc.

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- (b) a state administrator error caused by the Department when all information necessary to the determination of a correct provider rate was in possession of the Department.
 - (1) When a provider submits a timely, completed rate request which results in a new, lower rate and the rate must be set retroactively to July 1 due to Department delay in setting the rate, the resulting state administrative error shall not be considered an overpayment pursuant to .821 above.
- .83 When the Department determines that an overpayment exists, it shall notify the affected counties and provider, in writing, of the overpayment.
- .84 The county shall take all steps necessary to promptly correct and collect from the provider all overpayments that are known to the county, including:
 - .841 Determining the appropriate recovery method for the amount to be recovered.
 - .842 If appropriate (see EAS Section 20-003), initiating any referrals to the Special Investigative Unit (SIU) for an investigation.
- .85 The county shall be permitted to determine and use any or all of the following methods of recovery:
 - .851 Demand for Repayment -The county shall demand repayment of any amount not recovered by grant adjustment or otherwise repaid.
 - (a) A demand for repayment is the notification to a provider that an overpayment occurred for which there is a right for judicial restitution.
 - (b) A demand for repayment may be used concurrently with the other methods of overpayment recovery.
 - .852 Civil Judgment -If the group home refuses or is unable to repay the amount demanded or no longer receives AFDC-FC funds, the county shall refer the case to the appropriate county official for the purpose of seeking judicial remedy.

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.853 ~~By mutual agreement between the county and the provider, other recovery methods shall be permitted, including payment adjustments.~~

Authority Cited: Sections 10553, and 10554, Welfare and Institutions Code.

Reference: Sections 10852, 11460, 11462, 11466.1, 11466.2, 11466.3, 11466.4, 11467, and 18350, Welfare and Institutions Code and The Classification of Group Home Programs Under the Standardized Schedule of Rate System Report, August 30, 1989.

Adopt Section 11-402 to read:

11-402 GROUP HOME RATE SETTING

11-402

.1 Group Home Rate Determination Process - General Overview

- .11 The Department shall determine the RCL for each group home program utilized for AFDC-FC placements to set a rate using the standardized schedule of rates.
- .12 The RCL shall be determined using points which measure the number of weighted eligible hours per child per month of CCS, Social Work Activities, and Mental Health Treatment Services.
- .13 The number of points determine the RCL for each group home program.
- .14 There is a corresponding standard rate for each RCL.
- .15 The standardized schedule of rates for fiscal year 1990-91 is specified in Welfare and Institutions Code Section 11462(g).

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.151 Welfare and Institutions Code Section 11462(g) provides:

Rate Classification Level	Point Ranges	Standard Rate	FY 1990-91 Rate Floor (85%)
1	under 60	\$1,183	\$1,006
2	60-89	1,478	1,256
3	90-119	1,773	1,507
4	120-149	2,067	1,757
5	150-179	2,360	2,006
6	180-209	2,656	2,258
7	210-239	2,950	2,508
8	240-269	3,245	2,758
9	270-299	3,539	3,008
10	300-329	3,834	3,259
11	330-359	4,127	3,508
12	360-389	4,423	3,760
13	390-419	4,720	4,012
14	420 & up	5,013	4,261

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.16 The standardized rate schedule for fiscal year 1990-91 shall be adjusted by an amount equal to the California Necessities Index (CNI) for fiscal years 1991-92 and 1992-93.

.17 Beginning with fiscal year 1993-94, the standardized schedule of rates shall be adjusted annually by an amount equal to the CNI, subject to the availability of funds.

.18 In order to qualify for rate classification levels of 13 or 14 the program shall meet the requirements of Welfare and Institutions Code Section 11462(g)(2).

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.181 Welfare and Institutions Code Section 11462(g)(2) states:

"Group home programs which generate the requisite number of points for RCL 13 or 14, which only accept children with special treatment needs as determined through the assessment process in subdivision (b) of Section 11467 and which have as part of their program measurable performance standards developed by the county of placement, shall be classified at RCL 13 or 14"

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.19 Exceptions to the RCL determination from July 1, 1990 through June 30, 1992 are specified in Section 11-402.9.

.2 Program Classification

.21 Eligible Hours for Program Components

.211 Child Care and Supervision (CCS)

(a) Eligible hours of CCS shall be determined by counting paid-awake hours of child care workers and first-line supervisors while performing child care duties.

(1) Each group home program shall be required to provide child care duties and report eligible CCS hours.

(2) Hours of vacation, sick leave, training time or other types of leave shall be counted at the time paid. These hours are not subject to the 54-hour limitation.

(3) No more than 54 hours per week per child care worker and first-line supervisor per provider shall be projected on the Program Classification Report, SR 2 (Rev. 3/90) Column 2, line 16.

(4) More than 54 hours per week per child care worker and first-line supervisor per provider may be reported on the SR 2 (Rev. 3/90) Column 2, lines 1 through 12 when:

(A) The employee was required to work the additional hours of CCS to prevent children from being in an unhealthy or unsafe situation, and

(B) The employee was compensated for the additional hours of CCS in a manner consistent with the Department of Industrial Relations, and

(C) The employee was not required to work in excess of 54 hours on a regular basis.

(5) Hours shall be allocated as required by the August 30th Report, page 5.

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(A) The August 30th Report, Page 5, ALLOCATION OF HOURS AMONG FUNCTIONS, states:

"ALLOCATION OF HOURS AMONG FUNCTIONS

Some group home staff perform more than one function. For the program classification purposes, the group home provider will be required to allocate the hours worked by such staff among the various functions they perform.

For example, the administrator of a group home also spends part of his/her time performing social work activities and supervising child care staff. The provider states that the administrator typically works a 60-hour week, spending 30 hours performing administrative tasks, 15 hours performing Social Work Activities, and 15 hours supervising child care workers. The allocation of the administrator's time is 50% for administration, 25% for social work, and 25% for child care and supervision. The time spent on administration does not fall into one of the three program components and cannot be counted for program classification purposes. Given the 54-hour cap, 13.5 hours (25% of 54 hours can be counted for program classification purposes as Social Work Activity and 13.5 hours can be counted as Child Care and Supervision. These hours can be weighted to reflect the administrator's experience, education, ongoing training, and professional qualifications."

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.212 Social Work Activities

- (a) Eligible hours of social work activities shall be determined by counting paid-awake hours of social workers while performing social work activities.
 - (1) Hours of vacation, sick leave, or other types of employee leave shall be counted at the time paid. These hours are not subject to the 54-hour limitation.
 - (2) No more than 54 hours a week per social worker per provider shall be projected on the SR 2 (Rev. 3/90) Column 2, line 16.

(3) More than 54 hours a week per social worker per provider may be reported on the SR 2 (Rev. 3/90) Column 5, lines 1 through 12 when:

(A) The social worker was compensated for the additional hours of social work activities in a manner consistent with the Department of Industrial Standards, and

(B) The social worker was not required to work in excess of 54 hours on a regular basis.

(4) Hours shall be allocated as required by the August 30th Report as specified in Section 11-402.211(a)(5).

(5) A group home employee functioning as an existing social worker shall be considered a social worker and have his/her hours counted as social work activities if:

(A) The employee has been identified and claimed as a social worker in the same program under the cost-based rate setting system prior to July 1, 1990, and

(B) The employee does not hold any of the degrees or equivalents as defined in Section 11-400s(2).

(6) Family reunification activities and services provided solely to the family that are not in direct relation to the child's case plan shall not be counted as eligible social work activity hours.

.213 Mental Health Treatment Services

(a) Eligible hours of mental health treatment services shall be determined by counting the hours of the licensed mental health professional while providing mental health treatment services.

- (1) Hours shall be allocated as required by the August 30th Report and as specified in Section 11-402.211(a)(5).
- (2) Hours that include other staff, such as child care workers, social workers or group home administrators, etc., are counted when the child is also included.
- (3) The licensed mental health professional's time is counted, not the child's time.

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- (A) A licensed mental health professional in a one-hour group session with four children is counted as one hour of mental health treatment time.

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- (4) One hour shall be counted for the licensed mental health professional's evaluation of each psychometric test administered by the licensed mental health professional.

.22 Weightings for Program Component Hours

.221 Child Care Supervision (CCS) Weightings

- (a) Each child care worker and first-line supervisor shall have a base factor of 1.0 for each eligible hour.
- (b) Additional weighting shall be given to each eligible CCS hour on the basis of the experience and/or education of individual staff or the provision of on-going training by the provider for child care workers and first-line supervisors. The maximum additional weighting for any staff is 0.75.

(c) Residential Child Care Experience

(1) Each child care worker and first-line supervisor shall receive additional weighting for each eligible hour of previous paid-awake experience in residential child care as follows:

(A) Twenty-four (24) through 47 months of full-time equivalent (FTE) experience shall qualify for additional weighting of 0.15.

(B) Forty-eight (48) months or more of full-time equivalent (FTE) experience shall qualify for additional weighting of 0.25.

(d) Formal Education

Each child care worker and first-line supervisor shall receive additional weighting for each eligible hour of CCS based on his/her formal education as follows:

(1) Sixty (60) semester units or its equivalent as listed below shall receive an additional weighting of 0.05.

(A) An Associate of Arts or Science Degree that requires less than 60 units for completion, or

(B) A certificate in a subject directly related to child care that requires less than 60 semester hours but more than 20 semester hours in courses that deal with child related subjects.

(C) A certificate in a subject directly related to drug and alcohol programs from an accredited course of study that requires less than 60 semester hours when:

(i) The individual is employed by a group home program with the criteria described in Section 11-402.356(f), and

(ii) The course of study gave the individual the choice of either track, i.e., the Associate of Arts Degree or the certification program.

(iii) Certificates include but are not limited to the following: alcohol and/or drug counseling, dependency specialist, or abuse studies.

(2) A Bachelor of Arts or Science Degree in a major that is not related to the behavioral sciences shall receive an additional weighting of 0.10.

(3) A Bachelor of Arts or Science Degree in one of the behavioral sciences or other equivalent disciplines listed in (A), (B), or (C) below relevant to the provision of services to foster care children to be served by the group home program shall receive an additional weighting of 0.25.

(A) A certificate from the California Association of Alcohol and Drug Abuse Counselors as a Certified Alcohol Counselor, Certified Drug Counselor or Certified Alcohol and Drug Counselor based on an accredited course of study plus the required supervised experience when the program statement specifies the population of children to be served by the program requires this professional level.

(B) A certificate directly related to drug and alcohol programs from an accredited course of study that requires 60 semester hours or more but less than four years may receive the additional weighting when;

- (i) The individual is employed by a group home program, which accepts chemically addicted children as described in Section 11-402.356, and
- (ii) The course of study gave the individual the choice of either track, a Bachelor's Degree, or the certificate program.

(C) A vocational training certificate or credential or documentation stating the individual is a trade journeyperson and instructs vocational skills to children in a vocational program as described in Section 11-402.356(f)(2).

(4) A Master's Degree in a behavioral science or other equivalent discipline listed in (A) below shall receive an additional weighting of 0.40.

(A) The individual teaches vocational skills to children in placement, and the provider:

- (i) Has documentation showing the individual is a licensed contractor, or
- (ii) Has documentation showing the individual is a journeyperson in more than one vocational trade.

(e) On-Going Training

- (1) Each eligible hour of CCS shall receive an additional weighting of 0.10 when an average of 40 or more hours of on-going training per person (full-time equivalent) per year is provided.
- (2) The number of hours of on-going training required by a group home program to qualify for the additional weighting shall be computed by:
 - (A) Determining the number of FTE CCS staff by: dividing the total number of eligible CCS hours by the number of full-time hours in the same time period (i.e., 40 hours per week or 173 hours per month) and
 - (B) Multiplying the number of FTE CCS staff by 40.

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- (C) Example: The ABC group home has five child care workers who work from 15 to 54 hours per week and one full-time first-line supervisor. The combined number of hours they are expected to work in the next 12-month period is 12,636. Divide the hours worked by 2080 (annualized full-time equivalent based on a 40-hour work week) = 6.075 FTE. Multiply the 6.075 FTE by 40 hours per employee = 243 hours of training the provider must provide for all eligible CCS hours to be weighted by the additional 0.10.
- (D) An example of eligible allocated hours counted toward on-going training is: Helen is the cook in the ABC group home program, but for two hours each afternoon

she has responsibility for supervising a group of children. She meets the CCL requirements for a child care worker. The hours of training she receives, relevant to her child care duties, are countable for the training time furnished by the provider toward the additional CCS weighting of 0.10 for all CCS hours.

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(3) The following types of training shall qualify as on-going training for weighting purposes.

(A) All training required by Community Care Licensing (CCL) for child care workers as specified in Title 22, Division 6, Sections 84065(h)(1) and 80065(e)(2).

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(i) Section 84065(h)(1) states in part: "...child care staff (shall be required) to receive...a minimum of 20 clock hours of continuing education during the first 18 months of employment and during each three years thereafter."

(ii) Section 80065(e)(2) states: "Adults who supervise while clients are using a pool or other body of water from which rescue requires the rescuer's ability to swim, shall have a valid water safety certificate."

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(B) The training shall be directly related to the individual's child care worker duties.

(4) Audio or video tape training shall be counted provided:

(A) It is used within the structure of a group setting.

(B) The subject is introduced by a qualified individual, and

(C) Audience interaction with the qualified individual is available.

(D) Tape training shall not qualify when the provider supplies the training package and sends it home with different employees to view on their own time.

.222 Social Work Activities Weightings

(a) Weightings shall be given to each eligible hour of social work activity based on the professional level of each social worker as specified in the August 30th Report, page 3.

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The August 30th Report states in part:

" (1) Licensed Clinical Social Worker (LCSW)	2.5
(2) Licensed Marriage, Family and Child Counselor (LMFCC)	2.5
(3) Master's of Social Work (MSW) (60 units)	2.0
(4) Master's of Science in Counseling (MSC) (60 units)	2.0
(5) Master's (30 units) in a discipline which would enable the individual to sit for the LMFCC or LCSW exam.	1.75

(6) Bachelor of Social Work (BSW) with at least two years of full-time equivalent experience. 1.5"

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(b) In addition to the above weightings, each eligible hour of social work activity performed by a group home employee who meets the requirements of Section 11-402.212(a)(5) shall be eligible for the weighting of 1.5 .

(c) All individuals, whether employee or under contract, receive the same weighting for their professional level.

(d) The weighting for the direct contact social work hours provided on a contractual basis shall be multiplied by 2.0 under the following:

(1) The contract only reimburses for those hours spent in direct contact with the child(ren) being served and does not reimburse for ancillary social work activities, such as the development of needs and services plans or discharge plans;

(2) A maximum of 20 hours per week of the contracted direct contact social work activities shall be multiplied by 2.0.

(3) The person providing the social work activities is not an employee of the group home provider.

(A) The relationship between the group home provider and the individual providing social work activities shall be evaluated by several factors, including but not limited to:

(i) The group home has no control over the individual providing the social work activities outside those listed in the contract.

- (ii) The payment for social work activities performed is based on completion of the specifics in the contract.
- (iii) The group home provider and the individual providing the social work activities do not view the work relationship as one of employee/employer.
- (iv) The control actually exercised by the group home provider over the individual is in the provision of direct contact social work activities.

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- (v) Example: The weighting for an LCSW providing contracted social work activities for direct contact with the children is computed as; one hour of service x 2.5 LCSW x 2.0 "direct contact" = 5.0.

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.223 Mental Health Treatment Services Weightings

- (a) Weighting shall be given to each eligible hour of direct contact mental health treatment services provided by a mental health treatment services professional based on the professional level of the individual as specified in the August 30th Report, page 4.

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The August 30th Report, states in part:

"(1) Psychiatrist	5.0
(2) Psychologist	5.0
(3) Licensed Clinical Social Worker (LCSW)	2.5
(4) Licensed Marriage, Family and Child Counselor (LMFCC)	2.5"

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(b) In addition to the above weightings, each eligible hour of mental health treatment services provided by a licensed mental health professional whose license status is unknown and whose reimbursement is from any source other than AFDC-FC, shall be eligible for the weighting of 2.5

.23 Point Computation

.231 Each eligible hour, as determined in Section 11-402.21, shall be multiplied by the weighting(s) attributed to each individual as determined in Section 11-402.22.

.232 The weighted hours for each program component shall be totaled separately.

.233 The separate program component's weighted hours shall be divided by the greater of 90 percent of the licensed capacity of the group home program or 5.4 to determine each of the program component's point scores except as provided below:

(a) When the licensed capacity includes an unspecified mixture of children and minor parents and their infants in placement, divide the number of weighted hours by 90 percent of the total number of minor parents and other nonparent minors

excluding child(ren) living with his/her minor parent in placement. This applies only to such programs where the licensed capacity includes the children receiving an infant supplement.

.234 The mental health point score shall be determined as specified in the August 30th Report, page 4.

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(a) The August 30th Report limits the mental health point score as follows:

"No program is allowed more than 30 points for Mental Health Treatment Services. This 30 point "cap" counts up to 6 hours per child per month of Mental Health Treatment Services by a Psychiatrist or Psychologist, or 12 hours per child per month by an LCSW or an LMFCC, or any combination that does not exceed 30 points."

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(b) The number of children in a mental health day treatment program shall be computed as a percentage of the total licensed capacity without documenting hours, license, or professional level.

.235 The point scores from each of the three program components shall be totaled to determine the program points.

.236 The RCL shall be determined by comparing the program's points to the table of standardized schedule of rates in Section 11-402.15.

.237 The projected points shall be the average for the level of care and services to be provided over the 12-month period.

.238 The reported points shall be the actual number of points in each month which represent the level of care and services provided over the 12-month reporting period.

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.239 An example of a group home program point computation:

(a) CCS point computation

(1) The XYZ group home program is licensed for six children and has four full-time equivalent child care workers. The provider has a training plan of more than 40 hours of training for the child care workers and first-line supervisors (0.10 additional weighting for each eligible CCS hour). Each child care worker and first-line supervisor has 1.35 total weightings. Two examples are:

(A) Irma has five years of residential child care experience (additional weighting of 0.25) and 15 semester units of college (no additional weighting) for 1.35 total weighting (1.0, base factor + 0.10, on-going training + 0.25. experience).

(B) Irene has one year of child care experience (no additional weighting) and a Bachelor's Degree in Sociology (0.25 additional weighting) for 1.35 total weighting (1.0, base factor + 0.10, on-going training + 0.25, education).

(2) Total CCS hours are 866.6 (50 average hours per week X 4 individuals X 4.333). The total weighted CCS hours per month are 1,169.91 (866.6 X 1.35); divided by 5.4 = 216.65.

(b) Social work point computation:

(1) The same group home program currently employs a Licensed Clinical Social Worker (LCSW) for 20 hours per week or 86.67 hours per month (20 X 4.333).

The weighted social work hours per month for this social worker are 217.5 (87 X 2.5).

- (2) Another LCSW provided direct contact social work activities based on a contract for 80 hours per month.
- (3) The weighted social work hours per month for this social worker are 400 (80 hours X 2.5 professional level weighting X 2.0 "direct contact" contract additional weighting).

Total social work weighted points are 617.5 (217.5 + 400), divided by 5.4 for 114.35 points attributed to social work.

(c) Mental health point computation:

- (1) The group home program averages six children in placement per month:
 - (A) Two children in a mental health day treatment program;
 - (B) Three others seen by a psychologist in a group therapy session at the group home for one hour a week; and
 - (C) One other seen in private sessions in a clinic two hours a week by a psychiatrist.
- (2) The weighted mental health hours are:
 - (A) For mental health day treatment: two children = 2/6 of the maximum mental health points (30) for a total of 10.
 - (B) For the psychologist: Four hours X 5.0 professional weighting = 20 weighted hours per month.

(C) For the psychiatrist: Eight hours per month x 5.0 professional weighting = 40 weighted hours.

(3) Total mental health points are: 20 (psychologist) + 40 (psychiatrist) = 60 divided by 5.4 = 11.11 + 10 (day care) = 21.11.

(d) Total point computation:

(1) Add the points for CCS (216.65), social work activities (114.35) and mental health treatment services (21.11) for a total of 352.11.

(2) The XYZ program total points are 352 which is in Rate Classification Level 11.

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.3 Group Home Annual Rate Application Process

.31 Each provider shall submit to the Department a completed rate application for each program each fiscal year in order to receive a rate for that program.

.32 Annual rate applications shall be postmarked on or before May 1.

.321 An application not postmarked by the due date shall be considered late.

.322 Providers shall be allowed to request a determination of good cause for submitting a late application as specified in Section 11-402.37.

.33 A rate application shall be considered complete when all required forms have been completed with the necessary information and supporting documentation, as required in Section 11-402.35 needed to determine the RCL, have been submitted to the Department.

.331 Providers shall be allowed to request a determination of good cause for submitting an incomplete application as specified in Section 11-402.37.

.34 The effective date of the rate for timely and complete rate applications shall be July 1.

.35 An annual rate application with no program changes shall include:

.351 A complete Group Home Program Rate Application [SR 1 (Rev. 2/90)].

.352 A complete Program Classification Report [SR 2 (Rev. 3/90)].

.353 A copy of the current license issued by CCL in accordance with Title 22, California Code of Regulations, Division 6, for each facility, if not previously submitted to the Foster Care Rates Bureau.

.354 For any tax exempt agency, a copy of the Internal Revenue Service (IRS) letter designating the provider as tax exempt, if not previously submitted to the Foster Care Rates Bureau.

.355 The group home on-going training plan.

.356 A current program statement which shall include the following:

(a) The goals and purpose of the program.

(b) The characteristics of children served.

(c) Organizational chart and administrative information including a listing of the Board of Directors, names of corporate officers, names of the partners, etc.

(d) A description of the type and level of social services and mental health treatment services offered.

(e) A job duty statement for each classification utilized by the group home.

(f) A description of special program services.

(1) If applicable, the vocational training program offered within the program.

(2) A program which has vocational training for children in placement is one which is designed to impart the skills necessary for a vocation or trade to the children in placement.

(A) A vocational training program shall qualify if the program:

- (i) Teaches a skill(s) which benefits the child;
- (ii) Provides instruction which includes hands-on experience and specified quantifiable training goals;
- (iii) Consumes a percentage of the children's day at regularly scheduled hours;
- (iv) Sustains costs for qualified staff, costs for equipment, materials and the space required for the training;
- (v) Does not receive funding from the Department of Education for the vocational training provided;
- (vi) Does not provide credit to the children in placement;
- (vii) Is an integral part of the group home program and is not the result of coincidental factors such as hiring of a child care worker(s) or first-line supervisor(s) who happen to have vocational skills; and

(viii) is not transitory and does not depend upon the continued employment of child care workers(s) and first-line supervisor(s).

.36 The following cost-related information shall be provided with the rate application package. All penalties listed for late or incomplete application shall apply to these documents as specified in Sections 11-402.37 and .38.

.361 A complete Group Home Program Cost Report [SR 3 (Rev. 3/90)].

.362 A complete Group Home Program Payroll and Fringe Benefit Report [SR 4 (Rev. 1/90)].

.363 A complete Group Home Program Days of Care Schedule [SR 5 (Rev. 1/90)].

.37 The Department's good cause and penalty procedures shall be as follows:

.371 Providers unable to submit a timely or complete rate application by May 1 shall be allowed to submit in writing, a request for a determination of good cause as defined in Section 11-400g(1) and which shall be postmarked within 10 calendar days of the application due date.

.372 Within 10 calendar days of the date of receipt of the request for a determination of good cause, the Department shall determine the validity of the request and notify the provider verbally and in writing of the findings.

(a) If the provider is found to have good cause, he/she shall be allowed to submit the rate application within a time acceptable to both the provider and the Department.

(b) If the provider is found not to have good cause, or did not request a determination of good cause, the following actions shall be taken:

(1) The rate shall be set based on the limited information available.

(2) The effective date of the rate shall be August 1 unless the RCL as determined is lower than the current or projected rate, in which case, the date of the rate shall be retroactive to July 1.

(3) If the rate cannot be set based on the limited information, the Department shall proceed with the rate termination process as specified in Section 11-402.38.

.38 The Department's rate termination process shall be as follows:

.381 The Department shall immediately conduct a program audit following the procedures in Section 11-402.5.

(a) If the provider meets the application requirements, he/she shall be allowed to apply for a program reinstatement.

(b) If the provider does not meet the reinstatement application requirements, the provider, CCL, and the county(ies) shall be provided with a 60-day written notice of termination including the provider's appeal rights as specified in Welfare and Institutions Code Section 11468.2.

.382 Sixty days following the receipt of the termination notice, the Department shall terminate the rate.

.4 Deviations from Annual Rate Setting

.41 New Program

.411 An initial rate application from an existing provider shall include all required forms and information listed in Sections 11-402.35 and .36.

- (a) The cost information on forms SR 3 (Rev. 3/90), SR 4 (Rev. 1/90) and SR 5 (Rev. 1/90) shall be completed using the reported costs prior to the new program.
- (b) An initial rate application from an existing provider shall include the placement agency recommendation as specified in Section 11-406.12.

.42 New Provider

.421 A new provider shall be as defined in Section 11-400n(4)

- (a) A new provider shall not be any of the following:
 - (1) The addition of a new program by an existing provider.
 - (2) Any change specified in Section 11-402.43, Program Changes.
 - (3) A change in the provider's incorporation or reorganization of the administration.
 - (4) Failure to submit an annual rate application.

.422 An initial rate application from a new provider shall include all required forms and information listed in Sections 11-402.35 and .36 except the cost information forms (SR 3, Rev 3/90; SR 4, Rev. 1/90 and SR 5, Rev. 1/90) shall be completed using projected costs when the application is submitted by a new provider.

- (a) Initial rate applications shall include the placement agency recommendation as specified in Section 11-406.12.
- (b) Initial rate application documents shall be submitted to the Department prior to the first placement.

.423 The effective date of the rate shall be the later of:

- (a) Date of first placement, or

- (b) Departmental approval of the projected RCL, or
- (c) Date of licensure.

.424 Applications for new providers and new programs which do not meet the requirements of this Section shall be subject to the regulations in Section 11-402.43, Program Changes.

.43 Program Changes

.431 A program change shall be as defined in Section 11-400p(6).

- (a) Failure to report a change in a program or RCL resulting in a decreased rate shall result in the assignment of an overpayment and the adjustment of the current rate as appropriate following a program audit as specified in Sections 11-402.5 and .6.
- (b) Only one program change per program shall be allowed per program in a fiscal year.

.432 An application for an RCL change or a program change shall include all required forms and information listed in Sections 11-402.35 and .36.

- (a) One change application for the first RCL increase in the lifetime of a provider shall be accepted. Thereafter applications for RCL changes shall require the placement agency recommendation as specified in Section 11-406.12.
- (b) A program change application shall be submitted prior to the effective date of the change but no later than 30 days after the change.
- (c) Providers shall not be required to report a temporary decrease in the approved RCL which affects the program's RCL for 90 days or less, provided:
 - (1) The RCL is expected to return to the RCL approved by the Department for the current fiscal year by the end of 90 days, and

(2) The average fiscal year RCL will not be affected by the temporary decrease.

.433 The effective date of the rate for program changes, by the type of change, shall be:

(a) An increase in licensed capacity greater than five in the same or a new facility with no RCL change, the later of:

(1) Date of first placement.

(2) Date of Departmental approval.

(3) Date of group home license approval.

(b) A decrease in licensed capacity, the date of the decrease.

(c) For a decrease in RCL, the date of the decrease.

(d) For an increase in RCL, the first of the month after the increase.

.434 The rate following a program change by the type of changes shall be:

(a) Any increase in licensed capacity, the rate shall be the lesser of:

(1) The existing rate prior to the program change; or

(2) The standard rate for its RCL.

(b) Any decrease in licensed capacity, the rate shall be the existing rate.

(c) An opening or closing of a facility, the rate shall be the existing rate.

(d) Changes in a provider's administrative or corporate structure, the rate shall be the existing rate.

(e) A decrease in RCL expected to affect the program for more than 90 days, the rate shall be the lesser of:

- (1) The existing rate, or
- (2) The standard rate for the new RCL.

(f) An increase in the RCL, the rate shall be the greater of:

- (1) The existing rate, or
- (2) The rate floor for the new RCL.

(g) Any change in the type of placement, the rate shall be the existing rate.

.435 Providers who have made a significant financial commitment to expand their current program prior to January 1, 1990 shall submit verifying documentation to the Department by October 1, 1990 to receive their existing rate.

.44 Program Reinstatement

.441 A program reinstatement is a process to re-establish a program that has been terminated as specified in Section 11-402.38. A program shall be reinstated when the Department determines that all appropriate application requirements specified in Section 11-402.3 have been met.

.442 The effective date of the rate is the date of the Department's written notification of reinstatement to the provider.

.443 The rate shall be set at the lesser of:

- (a) The existing rate prior to termination, or
- (b) The new rate as determined by the Department.

.5 Program Audits

.51 The Department shall conduct full or partial program audits of any program, as often as necessary, to ensure compliance with all requirements within this section. The Department shall audit the documents submitted for the purpose of rate application and the actual program for which the application projects. Program audits shall focus on the hours and weightings of workers in each of the three program components. Audits shall be conducted on the group home site, within the Foster Care Rates Bureau (FCRB) office or other sites as determined appropriate by the FCRB. The Department shall provide the group home 30 calendar days written notice prior to conducting a program audit.

.511 The Department shall conduct a program audit earlier than the normal schedule at provider's request in order to reduce or minimize an overpayment.

.512 The purpose of program audits shall be to determine if the program's projected RCL was or was not maintained.

(a) Program audits for FY 90-91 shall be performed in accordance with Section 11-402.93.

.52 Program audits of on-going programs shall be conducted by reviewing the provider's report of the actual program for the audit period as follows:

.521 No fewer than two months of reported data shall be initially reviewed for accuracy.

.522 Using the reported and/or corrected data from the audit period, determine the actual RCL maintained in each of the audit months.

.53 Program audits of new programs and program changes shall be conducted no later than the 12th month of operation.

.531 The audit process in Section 11-402.52 shall be used except that:

(a) In the case of program changes and new programs by on-going providers, the months of each RCL shall be audited separately as a separate audit period.

(b) In the case of new programs by new providers, the total audit period shall be fewer than 12 months.

.54 Providers shall maintain program records for a minimum of five years as required and make them easily accessible to any Departmental staff conducting program audits. Program records to be maintained include, but are not limited to the following:

.541 Personnel files, which include, but are not limited to:

(a) Current licenses; official transcripts; dated applications for employment and/or resumes; time sheets; salary schedules showing hours and amount paid; employee benefits; contracts; degrees; training and development documents; job descriptions (including position title and classification, duties and responsibilities); and group home organization charts.

.542 Case management files, which include but are not limited to:

(a) Treatment plan for visitation; documentation of mental health direct services provided, dated and signed by the mental health professional; documentation of all services which show the relationship to treatment plans; and all RCL significant information pertaining to a client shall be included in the client's record.

.543 Training program records such as:

(a) The date(s) of training; hours of duration of each training session; certification of completion; documentation showing provider paid any costs for training, including employee wages and benefits; and subject of the training.

.55 Program audit protocols

.551 Completion of audits

(a) A program audit shall be completed within 60 days of the start of the audit.

(b) Program audits that remain incomplete at the end of 45 days because of the unavailability of data, records, or documents shall be completed using the information available to the Department.

.552 Exit Interview

(a) The Department shall conduct an informal exit interview with the provider at the conclusion of the audit and:

- (1) Prior to leaving the facility; or
- (2) At the completion of a desk audit.

(b) A draft written summary of findings shall be provided at the in-person exit interview or within five working days of the telephone exit interview.

(c) Formal notification of audit findings shall be mailed to the provider and counties within 30 days of the completion of the program audit.

.56 Program audit outcomes

.561 Program audit results include, but are not limited to, the following:

(a) The program audit verifies the projected average RCL was maintained during the audit period and is currently maintained.

- (1) The audit is concluded with an exit interview and issuance of formal notification.

(b) The program audit verifies the actual average RCL was lower than the projected RCL during the audit period and currently remains lower.

- (1) The Department auditor shall inform the provider of the procedure for collection of overpayments for all appropriate past months.

- (2) The Department shall move to implement an immediate rate reduction to minimize the overpayment except when the provider is taking corrective action as in (3) below.
 - (3) The provider shall take corrective action to reach the originally projected RCL within 60 days of the exit interview.
 - (4) The provider shall remain at the lower RCL by submitting a complete program change application within 30 days of the exit interview. An overpayment shall be computed as specified in Section 11-402.6.
- (c) The program audit verifies the actual average RCL was lower than the projected RCL during the audit period but the RCL is currently at the projected level.
 - (1) The Department shall inform the provider of the procedure(s) for the collection of overpayments.
- (d) The program audit verifies the actual average RCL is higher than the projected average RCL and remains higher.
 - (1) The provider may continue his/her group home operation at the currently paid rate of the lower RCL, or
 - (2) The provider may submit a program change application for the higher RCL.

.57 Disagreements

.571 A provider who disagrees with the findings of a program audit, shall file a protest with the Department as specified in Welfare and Institutions Code Section 11468.2(a).

.58 Corrective action

.581 The Department shall allow the provider to bring the program into compliance with the projected RCL within 60 days of the close of the program audit.

.582 Providers shall be assessed an overpayment for all appropriate months according to Section 11-402.6, except when:

(a) The provider is able to demonstrate he/she acted prudently on erroneous information provided by an employee, and

(b) The provider takes immediate appropriate action to correct the error or adjust the RCL.

.6 Overpayments

.61 The Department shall recover all overpayments.

.62 An overpayment situation shall be created when the actual average RCL falls below the projected average RCL for the same period. An overpayment shall be caused by, but is not limited to, the following:

.621 The provider does not meet the projected average RCL because of erroneous, incomplete or misleading information provided to the Department with the rate application, such as:

(a) False documentation for staff education, experience or on-going training.

(b) An inaccurate number of staff hours claimed for any of the three program components.

.622 A Department administrative error is made notifying a provider of their RCL.

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.623 Example: A provider submits an application indicating an RCL of five. The Department verifies the projected RCL five. A clerical error is made in the notification letter to the provider indicating the projected RCL is seven. In this situation, the provider is aware or should reasonably be aware that his/her program is only an RCL five. If the provider fails to notify the Department of the discrepancy, an overpayment shall be generated.

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.624 The provider's annual program application is submitted late and/or incomplete.

.63 Overpayments shall be discovered by:

.631 Provider reporting information to the Department related to RCL changes, or

.632 The Department verifying an actual lower than projected RCL during a program audit.

.64 Overpayment Processing:

.641 The Department shall provide written notification to the provider and affected counties of an overpayment according to Section 11-402.552(c).

.642 The beginning date of an overpayment shall be the earlier of:

(a) July 1 of the affected fiscal year, or

(b) The date of first placement at the incorrect RCL.

.643 The amount of overpayment shall be computed by:

(a) Averaging the actual number of points per month for the total audit period.

(b) Subtracting the average in (a) from the lowest point level of the projected average RCL for the audit period to determine the number of points below the projected average RCL. The number of points below the projected average RCL shall be used to determine the overpayment factor as follows:

	<u>Number of Points below projected average RCL</u>	<u>Overpayment Factor</u>
(1)	1 - 5	= \$100
(2)	6 - 10	= \$200
(3)	11 - 30	= 100 percent of the difference between the rates in the two RCLs.

- (c) Multiplying the average group home occupancy of children who receive AFDC-FC during the audit period by the number of months in the audit period times the overpayment factor in (b).
- (d) The result is the total overpayment owed.
- (e) If the actual average RCL is more than one RCL below the projected average RCL, the overpayment is computed by adding the total rates for the entire RCL(s) to the overpayment factor for the partial RCL.

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.644 Example: A provider has a six-bed facility with average of five actual occupancy. Projected RCL for FY(s) 90-91 and 91-92 is RCL 6, point range 180-209. The following are the actual monthly points generated by the provider:

Months:	J	F	M	A	M	J	J	A	S	O	N	D
	190	170	170	190	170	120	120	190	180	180	180	180

- (a) 2040 pts./12 mos. = 170 total monthly average points for the audit year. The overpayment is: 10 pts. = \$200 X 5 children X 12 mos. = \$12,000.

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.65 A program which experiences a second overpayment during the program's lifetime shall be assessed the full rate difference between the two RCLs X average actual occupancy X the number of months in the audit period.

.7 Fiscal Audits

.71 The department shall perform or have performed group home fiscal audits by an audit agency of the federal government.

.711 The scope of the audits shall include, but not be limited to, compliance with all applicable federal and state laws, regulations, and instructions based on those laws and regulations in effect during the audit period.

.72 Group home programs shall maintain all cost data consisting of the following information for a period of not less than five years.

.721 CCS.

.722 Social Work Activities.

.723 Food.

.724 Shelter.

.725 Buildings and equipment.

.726 Utilities.

.727 Vehicles and travel.

.728 Child related.

.729 Administration.

.73 Group Home Payroll and Fringe Benefit Report consists of the following:

.731 Payroll.

.732 FICA.

.733 Unemployment coverage.

.734 Medical insurance expense.

.735 Retirement.

.736 Other costs.

.737 Contractor costs.

.74 A provider shall be responsible for making available all requested records and documents as referenced in Sections 11-402.72 and .73 during fiscal audits.

.741 A provider's refusal to cooperate by not providing the requested records and documents shall result in rate termination as specified in Section 11-402.38.

.8 Cost Reporting

.81 Providers shall report the actual allowable and reasonable costs for each program to the Department on Form SR 3 (Rev. 3/90), SR 4 (Rev. 1/90) and SR 5 (Rev. 1/90) for the 12 months of the immediately preceding calendar year beginning January 1 and ending December 31 except:

.811 If provider has established a new program within the previous calendar year and has less than 12 months of data, the provider shall submit cost data for the first month the rate is effective to the end of the calendar year.

.812 The FY 1990-91 implementation year requires data reporting as specified in Section 11-402.9.

.82 Allowable Costs

Reported costs shall be actual allowable and reasonable as defined in federal statutes and regulations including 45 CFR, Part 74 and 45 CFR, Part 1356 in addition to other costs listed in .822 and .823.

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.821 Actual allowable and reasonable costs as defined in 45 CFR, parts 74 and 1356 state in part:

"(a) The reasonable cost of, and the cost of providing the following:

- (1) Food.
- (2) Clothing.
- (3) Shelter.
- (4) Daily supervision.
- (5) School supplies.
- (6) Personal incidentals.

- (7) Travel to the child's home for visitation.
- (8) Liability insurance which covers the child.
- (b) The reasonable cost of administration and operation necessary to provide the items described in (a) above."

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- .822 The reasonable social work activities offered by providers.
- .823 Reasonable, actual principal and interest on original acquisition mortgages.
 - (a) If the original acquisition mortgages are refinanced, the lesser of the following shall be allowed:
 - (1) The amount of interest associated with the original acquisition loan amounts, or
 - (2) The amount of interest associated with the remaining principals.
- .824 The reasonable, actual lease or rental costs for leasebacks of real property.
- .825 The reasonable cost incurred for vehicle and equipment leasebacks as if owned by the provider as described in Section 11-402.828(b).
- .826 Costs that are not allowable shall include, but not be limited to, the following:
 - (a) Overhead and supervision costs associated with unallowable activities.
 - (b) Litigation expenses associated with suits filed against an agency of the county, state, or federal governments.
 - (c) Retainer fees for consultants, physicians, lawyers, and accountants.

- (d) Psychiatric and psychological consultations associated with unallowable Title IV-E activities.
- (e) The cost of medical diagnosis, hospital expenses, and physician services.
- (f) The cost of formal educational activities.
- (g) Vocational training which substitutes for formal education.
- (h) Recreation costs except where it substitutes for otherwise necessary daily supervision.
- (i) The cost of more than one appraisal per year per facility; the cost of an appraisal performed by an appraiser deemed by the Department not to be a qualified, professional appraiser meeting the standard specified in Section 11-402.828(a)(1)(A)(ii); and the cost of appraisals performed under a less-than-arms-length agreement or by a person or persons employed by, under contract with for purposes other than performing appraisals, or having a material interest in any group home which receives AFDC-FC funds.
- (j) Any cost for a child living with his/her minor parent.

.827 Cost Components. The nine cost group definitions are as follows:

- (a) CCS. All costs related to the hours of CCS reported in the Program Classification Report [SR 2 (Rev. 3/90)] are to be reported. These include functions of day-to-day care of the child that would be considered ordinary parental duties and supervision of the caregiver. Do not include social work activities. Include payroll, payroll taxes and employee benefits. Include contract costs if a child care worker is under contract.

(b) Social Work Activity. All costs related to the direct social work services described in Sections 11-402s(1) and 11-402.212, including but not limited to, payroll, payroll taxes, employee benefits, and contract costs, if a social worker is under contract.

(c) Food. All costs related to food planning, preparation and service, kitchen supplies, and food stuffs for children in placement including, but not limited to, food worker payroll, payroll taxes, employee benefits, food expense and kitchen supplies.

(d) Shelter. Shelter costs include, but are not limited to, the original mortgage principal and interest for owned property; use allowance on buildings for which no original mortgage principal or interest is claimed for owned property; actual lease or rental costs (regardless of from whom the property is leased or rented); use allowance for capital improvements; taxes; building insurance; and appraisals for owned, leased, or rented property.

(e) Buildings and Equipment. Building and equipment cost include, but are not limited to, building and equipment payroll; payroll taxes and employee benefits; building maintenance; contracts; supplies; equipment leases; equipment depreciation expense; expendable equipment; and miscellaneous building and equipment expenses.

(f) Utilities. Utilities costs include, but are not limited to, the cost of electricity, natural gas, water, garbage, and sewer.

(g) Vehicles & Travel. Vehicle and travel costs include vehicle leases, depreciation, operating costs and transportation of the child.

(h) Child-Related. Child-related travel costs include, but are not limited to, clothing, personal and incidental expenses for the child, school supplies, planned activities, and other child-related costs. County paid clothing allowances shall offset these costs by the amount actually paid.

(i) Administration. The costs necessary for the on-going administration and support functions of the organization including, but not limited to, administration payroll; contracts; telephone and telegraph; postage and freight; office supplies; administrative travel; conferences; meetings; in-service training; memberships; subscriptions; dues; printing and publications; bonding; general insurance; organizational costs; advertising; recruiting; and miscellaneous.

.828 Reasonableness tests shall include, but not be limited to, comparable costs of similar programs.

(a) Shelter costs shall be considered reasonable in relation to the fair market value limit as described below:

(1) Reimbursement of shelter costs shall not exceed 12 percent of the fair market value of owned, leased, and rented buildings, exclusive of idle capacity and capacity used for nongroup home programs and activities.

(A) Fair market value shall be determined by either of the following methods as chosen by the provider:

(i) The market value shown on the last tax bill for the cost reporting period, or

(ii) The market value determined by an independent appraisal. The appraisal must be performed by a qualified, professional appraiser who, at a minimum, meets standards for Class III appraisers as specified in Title 10, California Administrative Code, Subchapter 2, and shall not be deemed independent if performed under a less-than-arms-length agreement or by a person or persons employed by, under contract with for purposes other than performing appraisals, or having a material interest in any group home which received AFDC-FC funds. The Department shall have the authority to determine that any appraisal does not meet the standard specified herein.

(B) Shelter costs for the purpose of the limit specified in Section 11-402.826(a) shall include, but not be limited to, the following:

- (i) Original mortgage principal and interest, for owned property;
- (ii) Use allowance on buildings for which no original mortgage principal or interest is claimed, for owned property;

- (iii) Actual lease or rental costs, regardless of the party from whom the property is leased or rented, for leased or rented property;
- (iv) Use allowance for capital improvements, for both owned and leased or rented property;
- (v) Taxes, for both owned and leased or rented property; and
- (vi) Insurance, for both owned and leased or rented property; and
- (vii) The costs of independent appraisals, for both owned and leased or rented property.

(b) Vehicle costs: Annual depreciation or lease cost for a passenger automobile cannot exceed \$6,242 (one-third of the standard); accumulated depreciation or total lease cost cannot exceed \$18,725. This standard only applies to passenger vehicles.

(c) Reasonableness standards for salaries are derived from the Los Angeles Area United Way Salary and Classification Plan for FY 1987-88 plus California Necessities' Index increases for 1988-89 of 4.74 percent and 1989-90 of 4.61 percent.

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(1) Executive Director

<u>Level</u>	<u>Annual Budget</u>	<u>Salary Limit</u>
I	\$ 105,000 or less	\$ 41,391
II	\$ 105,000 to \$ 263,000	\$ 48,228
III	\$ 263,000 to \$ 524,000	\$ 56,169
IV	\$ 524,000 to \$1,049,000	\$ 65,163
V	\$1,049,000 to \$1,577,000	\$ 75,523
VI	\$1,577,000 to \$2,066,000	\$ 87,607
VII	\$2,066,000 or more	\$102,859

(2) Assistant Executive Director

(A) One salary level below that of Executive Director, but not lower than Level I shall correlate to the limit for this job title. The assistant executive director is any high level employee of the organization whose duty statement specifies that the employee acts on behalf of the executive director in his/her absence. It is possible in some organizations to have more than one employee considered to be an assistant executive director. However, the qualifications and duties of the employee(s) designated to act as executive director in his/her absence must be consistent with his responsibility.

(3) All Others

(A) Below the assistant executive director level, two salary ceilings will apply. For supervisory personnel, the maximum salary is \$45,664, but not more than the salary of the assistant executive director or the executive director of the organization. A supervisory employee must supervise or direct the activities of the full-time equivalent of at least three other employees. The maximum salary for non-supervisory employees is \$29,856.

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.83 Charitable Donations and Governmental Payments

.831 Unrestricted charitable donations from nongovernmental sources shall not be used to offset reported costs.

.832 Payments for allowable costs shall offset reported costs.

.833 Costs for staff whose hours are not counted for program classification purposes, because they are reimbursed from government sources other than AFDC-FC, shall not be reported as allowable costs.

.834 Donor restricted donations from private sources specified to fund an allowable cost shall offset allowable costs.

.835 Actual payments for clothing allowances shall offset allowable costs for clothing.

.84 Accounting Requirements

.841 An actual cost basis of accounting shall be used in reporting allowable costs.

(a) Actual costs must have been paid within the report period as specified in Section 11-402.81.

(b) Costs not paid within the report period shall be expensed in the subsequent cost period in which they are paid.

.842 Accounting records shall be maintained in accordance with generally accepted accounting principles.

.843 All accounting records shall be retained for a minimum period of five years from the date of the final claim for that annual period or until all audit issues have been resolved.

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(a) Examples includes, but are not limited to, accounting records and journals, ledgers and supporting documentation, invoices, receipts, checks and/or vouchers.

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.844 Depreciation/Use Allowance

(a) The straight-line method of calculating depreciation shall be used for equipment with a useful life of more than two years valued at \$500 or more based on the initial acquisition cost.

(1) Useful life shall be:

(A) A minimum of three years for automobiles.

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(i) Examples include passenger vehicles and general purpose trucks with unloaded weight less than 13,000 lbs.

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(B) A minimum of five years for all other depreciable equipment.

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(i) Examples include office equipment, computer equipment, buses, commercial vans, and heavy general purpose trucks with unloaded weight of 13,000 lbs. or more.

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(b) Providers shall be permitted to convert their existing depreciation methods to schedules which are consistent with the method specified in Section 11-402.844(a).

(1) The total depreciation charges throughout the useful life of the equipment shall not exceed the original cost of acquisition.

(c) Use allowance shall be applied to the acquisition cost of building, for which no original mortgage principal and interest is paid, and to improvements.

(1) Use allowance shall be computed at an annual rate of two percent.

(d) Charges for use allowances or depreciation shall be supported by adequate property records, including acquisition date and cost, the depreciation period and the amount charged each cost period.

(e) Physical inventories shall be taken and documented at least once every two years for depreciable equipment.

.845 Gains or losses on the sale, retirement or other disposition of vehicles and other equipment shall be included as credits or charges in the year in which they occur.

.846 Cost Allocation Process

(a) Allowable costs shall be allocated to each program.

(1) Allocation bases shall include, but not be limited to, the following:

(A) Direct child care hours.

(B) Number of children in each program.

(C) Square footage.

.85 Good Cause and Penalty for Late Reporting or Nonreporting

.851 Good cause and penalties for late reporting or nonreporting shall be the same as if the rate application is late, incomplete or not submitted as specified in Section 11-402.37.

.9 Phase-in Following Implementation

The standardized schedule of rates as specified in Section 11-402.15 shall be phased in over two state fiscal years (FY) starting with July 1, 1990 and ending June 30, 1992.

.91 For implementation purposes, a rate floor shall be established.

.911 The rate floor for FY 90/91 shall be 85 percent of the standard rate for each RCL.

.912 The rate floor for FY 91/92 shall be 92.5 percent of the standard rate for each RCL.

.913 The rate for the new group home program of a new or existing provider shall be established at the rate floor for the program's projected RCL.

.92 Rates effective July 1, 1990 shall be determined as follows:

.921 For programs operating on June 30, 1990 with an actual cost-based rate:

(a) Providers shall submit a complete rate application, reporting level of care and services provided between July 1 and December 31, 1989 or between July 1, 1989 and March 31, 1990. The resulting RCL shall be the a program's RCL based on the retrospective level of care.

(b) Providers that implemented a program change during the above stated reporting period that impacts a minimum of four reporting months shall be permitted to report only the months reflective of the program change.

(c) Providers shall also project, as part of the complete rate application, the RCL that each program will provide during the 1990-91 fiscal year.

(1) Providers shall not project an RCL for a program that is higher than the retrospective RCL reported for that program as specified in (a) or (b) above.

(2) Providers shall be permitted to project for a program an RCL that is lower than the retrospective RCL reported for existing programs as specified in (a) or (b) above.

(d) The Department shall review the rate application, determine the RCL level, and authorize the rate when the conditions specified in Section 11-402.2 have been met.

(1) For programs that have a projected RCL at the same level as the RCL reported as specified in (a) or (b) above, the rate shall be the higher of:

(A) The 89/90 rate plus CNI up to the standard rate, or

(B) The rate floor, or

(C) The 89/90 rate if above the standard rate.

(2) For programs that have a projected RCL that is lower than the RCL reported as specified in (a) and (b) above, the rate shall be the lesser of:

(A) The standard rate for the projected RCL, or

(B) The greater of:

(i) The 89/90 rate plus CNI, or

(ii) The rate floor for the projected RCL.

(e) A provider shall show evidence of their intention to complete the training requirements in fiscal year on-going 90/91 for a program if the program chooses to claim the weighting for on-going training by submitting both of the following:

(1) A copy of a training log for training provided between July 1, 1989 and December 31, 1989.

(A) The required training log need not include the names of the trainees.

(2) A proposed training plan for training to be provided between January 1, 1990 and June 30, 1990.

(A) The proposed training plan in above is not required to be preapproved.

(f) Programs continuing to receive the actual 89/90 cost-based rate shall be frozen at that rate until the standard rate for the RCL plus COLAs is equal to or greater than the frozen 89/90 cost-based rate.

(g) The effective date for timely applications shall be July 1, 1990.

(h) Good cause and penalties shall be applied as specified in Section 11-402.37.

.922 Programs which do not have an actual cost-based rate in effect June 30, 1990 shall have their 90/91 fiscal year rate established as follows:

(a) The provider must submit a complete rate application projecting level of care and services for the 90/91 fiscal year as specified in Sections 11-402.411 and .411(a).

(b) The Department shall determine the RCL and authorize the rate when all required application conditions are met. The rate shall be the lesser of:

(1) The existing rate plus applicable CNI up to the standard rate but no less than the rate floor, or

(2) The standard rate.

(c) The effective date for timely applications shall be July 1, 1990.

(d) Good cause and penalties will apply as set forth in Section 11-402.37.

.923 The Department shall not increase the RCL level for any group home during fiscal year 90/91. A provider wishing to increase a program's RCL must submit a complete application according to Section 11-402.3 in the annual 91/92 application process.

.93 Audits of group home programs for fiscal year 90/91 for which an RCL is determined by retrospective program classification data shall be based on each of the months reported.

.931 For providers in fiscal year 90/91, submitting on retrospective basis, the reporting period is:

(a) Either July 1, 1989 through December 31, 1989, or July 1, 1989 through March 31, 1990.

(b) The Department shall review the SR 2 (Rev. 3/90) showing retrospective program classification data to:

(1) Verify if projected points were maintained,

(2) Determine the RCL for each month,

(3) Average the audited points, and

(4) Determine if audited points affect RCL and/or rate.

.94 Providers that fail to maintain the RCL upon which the 90/91 fiscal year rate was established shall be assessed an overpayment as specified in Section 11-402.6

Authority Cited: Sections 10553, 10554, 11462(j), 11466.1, and 11466.2, Welfare and Institutions Code and Chapter 1294, Statutes of 1989, Section 23.

Reference: Sections 10852, 11460, 11462, 11466.1, 11466.2, 11466.3, 11466.4, 11467, and 18350, Welfare and Institutions Code and The Classification of Group Home Programs Under the Standardized Schedule of Rate System Report, August 30, 1989.

Amend Section 11-406 to read:

11-406 RESPONSIBILITIES OF COUNTY PLACEMENT AGENCIES

11-406

- .1 The county welfare and probation departments' responsibilities shall include, but not be limited to, the following:
 - .11 Paying the rate(s) determined by the Department on behalf of AFDC-FC eligible children placed with foster parents and providers. (See Sections 11-401, 11-402 and 11-403.)
 - .12 *Verifying the need for and reasonableness of a provider's new program. (See Section 11-402.18)*
Recommending the establishment of a new program by a new or existing provider, or a program change which is more than one RCL greater than the original RCL determination. (See Sections 11-402.41, .42, and .43)
The recommendation is to include:
 - .121 Program is needed in that county.
 - .122 Provider is capable of effectively and efficiently operating the program.
 - .123 Provider is willing and able to accept AFDC-FC children for placement who are determined by the placing agency to need the level of care and services that will be provided by the program.
 - .13 Confirming the existence and legitimacy of more than one program as appropriate. (See Section 11-402.1)
 - .14 Reviewing children placed by the placement agency in the program which is determined to have points at RCL 13 or 14 and verifying to the Department that all the children have special treatment needs. (See Section 11-402.18)
 - .15 Upon request by the Department, counties shall report the county's understanding of the services offered by the program and the population served.
 - .16 Cooperating with other placement agencies to form a regional consortium to review group home program requests for county recommendation.
 - .147 Participating, if requested by the Department, in the rate review process. (See Section 11-402.6)

- .188 Submitting to the Department rate payment information for each fiscal year beginning with fiscal year 1983/84, for family homes, homefinding agencies, and group homes.
- .189 Providing the Department with reasonable and applicable information and statistics as required.

Authority Cited: Section 10553 and 10554, Welfare and Institutions Code and Chapter 1294, Statutes of 1989, Section 23.

Reference: Section 11462(g)(2) and 11462(i)(2), Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF
APPROVAL

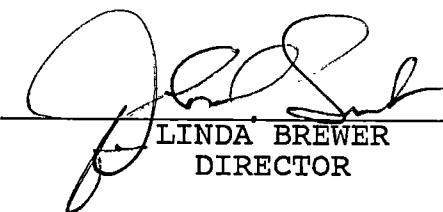
FILED
In this office of the Secretary of State
of the State of California

JUN 2 2 1990
At 4:03 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Linda Brewer*
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 90-0620-03


LINDA BREWER
DIRECTOR

06/28/90

90-0613-03
FACE SHEET

(See Instructions on Reverse)

RDB #0789-25

1990 JUN 13 PG 3 16

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

JUL 12 1990

For use of Administrative Law
For use of Office of Adm Law

REGULAR

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW
CERTIFICATION: I hereby certify that the attached
are true and correct copies of regulations
adopted, amended or repealed by this agency
and that the information specified on this Face
Sheet is true and correct.

Department of Social Services

(AGENCY)

Lil S. Melch

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

5-22-90

FILED
In this office of the Secretary of State
of the State of California

JUL 12 1990
At 4:04 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Melissa L. Lutz*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

Rosalie Clark, Chief

Regulations Development Bureau

TELEPHONE

445-0313

2. Type of filing, (check one) 30-day Review Emergency Certificate of Compliance
(Complete Part 4 below)

Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
 Nonsubstantive changes with nonregulatory effect Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

SECTIONS ADOPTED:

Title MPP

SECTIONS AMENDED:

30-753, 30-757 and 30-758

SECTIONS REPEALED:

b. The following sections listed in 3a contain modifications to the text originally made available to the public: N/A

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

prior to the emergency adoption
 within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

No Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

No Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

Fair Political Practices Commission (Include FPPC approval stamp) Building Standards Commission (Attach approval)
 State Fire Marshall (Attach approval) Department of Finance (Attach properly signed Std. 399)
 Other _____

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER
December 1, 1989

b. DATE OF FINAL AGENCY ACTION
May 23, 1990

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
N/A

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

a. Effective 30th day after filing with the Secretary of State.
b. Effective upon filing with the Secretary of State.
c. Effective on _____ as required or allowed by the following statute(s): _____
d. Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
 - b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
 - a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).

Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
 - b. Provide the date on which the regulatory agency adopted the regulatory changes.
 - c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
 - a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.*
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.

Linda S. McMahon

Linda S. McMahon
Director

8-26-88
Date

Amend Section 30-753(ee) to read:

30-753 SPECIAL DEFINITIONS (Continued)

30-753

(ee) Severely Impaired Individual means a recipient with a total assessed need, as specified in Section 30-763.26, for 20 hours or more per week of service in one or more of the following areas:

- (1) Any nonmedical personal service listed in Section 30-757.14.
- (2) Preparation of meals and meal cleanup when assistance with consumption of food is required.
- (3) Meal cleanup when preparation of meals and consumption of food (feeding) are required.
- (4) Paramedical services.

Authority Cited: Sections 10553 and 12301.1, Welfare and Institutions Code.

Reference: Section 12304, Welfare and Institutions Code.

Amend Sections 30-757.11 and .12 to read:

30-757 PROGRAM CONTENT (Continued)

30-757

1. (Continued)

.11 (Continued)

(a) through (j) (Continued)

(k) Miscellaneous domestic services (e.g., changing light bulbs) when the service is identified and documented by the caseworker as necessary for the recipient to remain safely in his/her home.

.12 (Continued)

.121 The county shall have the authority to authorize this service only at the time IHSS is initially granted, to enable the provider to perform continuous maintenance; or if a lapse in eligibility is reestablished, and IHSS has not been provided within the previous 12 months. The county shall also have the authority to authorize this service should the recipient's living conditions result in a substantial threat to his/her health safety and such service may be authorized where a recipient is at risk of eviction for failure to prepare his/her home or abode for fumigation as required by statute or ordinance. The caseworker shall document the circumstances, justifying any such allowance.

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Peremptory Writ of Mandate, Disabled Rights Union v. Woods, Superior Court, Los Angeles County, Case #C 380047, and Section 12300, Welfare and Institutions Code.

Amend Section 30-758 to read:

30-758 TIME PER TASK AND FREQUENCY ~~STANDARDS~~ GUIDELINES 30-758

- .1 When assessing the need for the services specified in .11 through .15 below in accordance with the provisions of Section 30-763.2, the assessed time shall not exceed the ~~standards guidelines~~ listed except as provided in .4 below.
 - .11 Domestic services - The ~~standard guideline~~ time for "domestic services" shall not exceed 6.0 hours total per month per household. (Continued)
 - .12 Laundry --
 - .121 For laundry services where laundry facilities are available in the home, the ~~standard guideline~~ time shall not exceed 1.0 hours total per week per household. (Continued)
 - .122 For laundry services where laundry facilities are not available in the home, the ~~standard guideline~~ time shall not exceed 1.5 hours total per week per household. (Continued)
 - .13 Food Shopping -- The ~~standard guideline~~ for "food shopping" shall not exceed 1.0 hours total per week per household. (Continued)
 - .14 Other shopping errands -- The ~~standard guideline~~ time for "other shopping/errands" shall not exceed 0.5 hours total per week per household. (Continued)
- .2 Counties shall have the authority to develop and use time per task and frequency ~~standards guidelines~~ for other services, except: (Continued)
- .3 No exception to time per task ~~standards guidelines~~ shall be made due to inefficiency or incompetence of the provider.
- .4 Exceptions to time per task standards shall be made when application of the standard would result in a substantial threat to the recipient's health or safety. Application of time per task standards is specified in Welfare and Institutions Code Section 12301.2. Welfare and Institutions Code Section 12301.2 states: Time per task guidelines can be used only if appropriate in meeting the individual's particular circumstances. Exceptions to time per task guidelines shall be made when necessary to enable

the recipient to establish and maintain an independent living arrangement and/or remain safely in his/her home or abode of his/her own choosing.

.4Z1 When an exception to a time per task ~~standard~~ guideline is made in an individual case, the reason for the exception shall be documented in the casefile.

HANDBOOK BEGINS HERE

.4Z11 Documentation of the reason for the exception will provide necessary data to audit the effectiveness of each ~~standard~~ guideline in terms of:

- (a) achieving equity in assessments; and
- (b) evaluating program costs.

HANDBOOK ENDS HERE

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Peremptory Writ of Mandate, Disabled Rights Union v. Woods, Superior Court, Los Angeles County, Case #C 380047.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

JUL 1 2 1990
At 4:04 o'clock P. M.
MARCH FONG EU, Secretary of State
By Melinda Brewer
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 90-0613-03


LINDA BREWER
DIRECTOR

07/12/90

1990 JUN 22 PM 4:07

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED BY DIRECTOR

JUL 23 1990

State Department of Social Services

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

RESUBMITTAL

State Department of Social Services

(AGENCY)

J. S. Mekel

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

6-19-90

For use of Office of Adm Law

0389-07

FILED

In this office of the Secretary of State
of the State of California

JUL 23 1990

At 4:29 o'clock P.M.

MARCH FONSECA, Secretary of State

By Juella Cruz
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See Instructions)

Rosalie Clark, Chief Regulations Development Bureau

TELEPHONE

445-0313

2. Type of filing, (check one) 30-day Review Emergency

Certificate of Compliance
(Complete Part 4 below)

Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)

Nonsubstantive changes with nonregulatory effect Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

SECTIONS ADOPTED:

Title 22

SECTIONS AMENDED:

Section 35171

SECTIONS REPEALED:

b. The following sections listed in 3a contain modifications to the text originally made available to the public: Section 35171

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

prior to the emergency adoption
 within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

No Yes, if yes, give date(s) of prior submittal(s) to OAL: #89-0608-02E

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

No Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

Fair Political Practices Commission (Include FPPC approval stamp) Building Standards Commission (Attach approval)
 State Fire Marshall (Attach approval) Department of Finance (Attach properly signed Std. 399)
 Other _____

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

June 30, 1989

b. DATE OF FINAL AGENCY ACTION

JUN 19 1990

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))

May 18, 1990 - June 5, 1990

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

a. Effective 30th day after filing with the Secretary of State.
b. Effective upon filing with the Secretary of State.
c. Effective on _____ as required or allowed by the following statute(s): _____
d. Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
e. Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.

Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.

Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)

b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).

Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).

Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.

Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
- Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).

Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.

Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.

b. Provide the date on which the regulatory agency adopted the regulatory changes.

c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.

Part 9. Effective Dates — check one of the following:

- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
- An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
- If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
- If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
- If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Amend Section 35171(a)(5)(A) to read:

35171

CONTENT OF WRITTEN ASSESSMENT OF THE CHILD

35171

(a) The agency shall assess each child accepted for adoption services. The assessment shall be in writing and shall include but not be limited to: (Continued)

(5) The results of a psychological evaluation for children 0-4 years of age, when it exists

(A) The agency shall obtain the results of a psychological evaluation for all children a child over the age of 4 years when there is an indication that such an evaluation is necessary as determined by either/:

1. The agency's review of the child's history which indicates a genetic predisposition for mental illness.
2. The agency's review of the child's behavior which seems abnormal and symptomatic of mental illness, such as:
 - (i) Pervasive lack of responsiveness to other people.
 - (ii) Solitary, stereotyped, repetitive play.
 - (iii) Peculiar speech patterns or speech disorders.
 - (iv) Extreme need for sameness.
 - (v) Peculiar interest in or attachment to inanimate objects.
 - (vi) Retreat into fantasy, bizarre gestures or mannerisms.
 - (vii) Extreme aggression and uncontrollability when separated from parental figures.
 - (viii) Slowed thinking, apathy, or suicidal thoughts.

- (ix) Bizarre eating habits or disturbances while eating.
- (x) Constricted or inappropriate affect.
- (xi) Incoherence with delusions, hallucinations, or loose associations.
- (xii) Oddities of motor development, such as peculiar posturing or peculiar hand or finger movements.
- (xiii) Excessive, persistent anxiety and worry.
- (xiv) Psychomotor agitation or hyperactivity.

(B) The agency may obtain the results of a psychological evaluation for a child over the age of 4 years when information from sources other than the child's history or behavior indicates that such an evaluation is necessary.

1. Information from sources other than the child's history or behavior may include birth or court records or reports from collateral relatives, teachers, or medical personnel who are familiar with the child.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; ~~and Section 224s, Civil Code.~~

Reference: Sections 224s, 226.6, ~~and~~ 276, ~~and~~ 227b, Civil Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

JUL 23 1990

At 4:29 o'clock P.M.

MARCH FONG ET AL, Secretary of State

By Mella Cun

Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Social Services

OAL File No: 90-0622-06

David Potter

for

LINDA BREWER
DIRECTOR

07/23/90

FACE SHEET

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

EMERGENCY

ENDORSED
APPROVED FOR FILING

JUL 23 1990

Office of Administrative Law
For use of Office of Adm Law

State Department of Social Services

Lis M. M. M.
(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

7-2-90

RDB #0690-25

FILED

In this office of the Secretary of State
of the State of California

JUL 23 1990
At 4:29 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Marta L. Cruz*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

Rosalie Clark, Chief, Regulations Development Bureau

TELEPHONE

(916) 445-0313

2. Type of filing, (check one) 30-day Review Emergency

Certificate of Compliance
(Complete Part 4 below)

Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)

Nonsubstantive changes with nonregulatory effect Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

SECTIONS ADOPTED:

Title MPP

63-097, 63-1300 and 63-1301

SECTIONS AMENDED:

63-102 a., e., g., p. and r. 63-301, 633, 63-502.141, .17, .2(b) (2)
and (b) (3); and 63-503.232 (c) and (d) (2).

SECTIONS REPEALED:

63-503.212 (c)(3)

None.

b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

prior to the emergency adoption
 within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

No Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

No Yes, if yes, give date statement was submitted to OAL

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(Include FPPC approval stamp)

Building Standards Commission
(Attach approval)

State Fire Marshall (Attach approval)

Department of Finance (Attach properly signed Std. 399)

Other _____
(SPECIFY AGENCY)

a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER	b. DATE OF FINAL AGENCY ACTION	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
N/A	13 1990	N/A

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

a. Effective 30th day after filing with the Secretary of State.

b. Effective upon filing with the Secretary of State.

c. Effective on _____ as required or allowed by the following statute(s): _____

d. Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)

Attach request demonstrating good cause for early effective date. Request subject to OAL approval.

e. Effective on 08-01-90 (Designate effective date *later than* the normal effective date for the type of order filed.)

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- Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).

Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.

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- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.



Linda S. McMahon
Director

8-26-88
Date

Adopt Section 63-097 to read:

63-097 IMPLEMENTATION OF THE JONES V. YEUTTER
COURT CASE

63-097

- .1 The amended and newly adopted provisions in Manual of Policies and Procedures (MPP) Sections 63-102; 63-301.633, .633(a), and .634; Sections 63-502.141 and .17; Sections 63-502.2(b) (2) and (b) (3); Section 63-503.212(c) (3); Sections 63-503.232(c) (2), (c) (4), and (C) (4) (A), (B), and (C); and Sections 63-1300 and 1301 shall be implemented as follows:
- .11 Effective no later than August 1, 1990, the CWDs shall implement these provisions for all new food stamp applications and continuing cases.
- .12 In accordance with the requirements of the Jones v. Yeutter Partial Settlement Agreement signed on February 1, 1990, benefits shall be restored to entitled households as specified in Section 63-1301.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference:

*Court Order re Final Partial Settlement
Agreement in Jones v. Yeutter
(C.D. Cal. Feb. 8, 1989) — F.Supp. — [Docket No. CV-89-
0768].)*

Renumber Sections 63-102a. (1) through (4) to a. (1) through (5), respectively, 63-102e. (3) to (4), and 63-102r. (3) through (7) to r. (4) through (8), respectively; amend Section 63-102 e., g. (1), p.(9) and r. and adopt Section 63-102a. (1) to read:

63-102 DEFINITIONS

63-102

a. (1) "Aid to Families with Dependent Children (AFDC)" means the financial aid program for needy children who lack parental support and care. This term refers to the program in general, regardless of the source of funding.

(A) Federally-funded AFDC is authorized under Title-IV of the Social Security Act of 1935, as amended. Households entitled to federal AFDC must meet federal eligibility requirements.

(B) State-only AFDC is the state and county-funded AFDC program for otherwise eligible persons who do not meet specific federal eligibility requirements.

(12) (Continued)

(13) (Continued)

(14) (Continued)

(15) (Continued)

e. (Continued)

(3) "Entrant Cash Assistance (ECA)" means cash assistance provided to Cuban or Haitian entrants under the same conditions, and to the same extent, as such assistance is provided to refugees receiving Refugee Cash Assistance (RCA).

(14) (Continued)

63-102 DEFINITIONS (Continued)

63-102

g. (1) "General Assistance (GA)" means cash or another form of assistance, excluding in-kind assistance, financed by State or county funds as part of a program which provides assistance to cover living expenses or other basic needs intended to promote the health or well-being of recipients. Such programs include County General Assistance (GA)/General Relief (GR).

p. (Continued)

(9) "Public Assistance (PA)" means any of the following programs authorized by the Social Security Act of 1935, as amended; Old-age Assistance, federally-funded Aid to Families with Dependent Children (AFDC), including AFDC for children of unemployed ~~father's~~ parents, as authorized by the Social Security Act of 1935, as amended Aid to the Blind, Aid to the Permanently and Totally Disabled and Aid to Aged/Blind or Disabled. A PA household is a household in which all members receive ~~PA~~ federally-funded AFDC payments. (Continued)

r. (Continued)

(3) "Refugee Cash Assistance (RCA)" means cash assistance provided under Title IV of the Immigration and Nationality Act to refugees who are ineligible for Aid to Families with Dependent Children (AFDC) or Supplemental Security Income (SSI) and who have resided in the United States for less than a 12-month period from their initial entry into the country.

18Y(4) (Continued)

18Y(5) (Continued)

18Y(6) (Continued)

18Y(7) (Continued)

18Y(8) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference:

8 U.S.C.A. Section 1522(e); 42 U.S.C.A. 601, et seq.; 45 CFR Part 401; 45 CFR 400.62; and

Court Order re Final Partial Settlement Agreement in Jones v. Yerutte (C.D. Cal. Feb. 8, 1989) — F. Supp. — [Dock. No. CV-89-0768].)

Amend Section 63-301.633 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS
(Continued)

63-301

.6 PA Households (Continued)

.63 Application Processing Standards and Procedures
(Continued)

.633 For all households, the CWD shall anticipate with reasonable certainty the amount and date of receipt of the initial PA payments. Initial PA payments include the first month's basic grant and any immediate need or other PA payments that were issued prior to the authorization of the first month's basic grant. If the a PA payment will not be received until a subsequent month, the CWD shall vary the household's benefit level according to the anticipated receipt of the payment and notify the household (DFA 377.1Y (1/88)). (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference:

7 CFR 273.10(c)(1) and

Court Order re Final Partial Settlement Agreement in Jones v. Yerutte
(C.D. Cal. Feb. 8, 1989) — F. Supp. — [Dock. No. CV-89-0768].

Amend Sections 63-502.141, .17, and .2(b)(2) and (3) to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued)

.1 Income Definitions (Continued)

.14 Unearned income shall include, but not be limited to:

.141 Assistance payments from ~~federal or federally provided public assistance programs~~, Aid to Families with Dependent Children (AFDC), General Assistance/General Relief (GA/GR), Refugee Cash Assistance (RCA), Entrant Cash Assistance (ECA), or other assistance programs based on need except as ~~provided~~ specified in Section 63-501.111. (Continued)

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued) 63-502

.1 (Continued)

.17 Income shall also include monies withheld from ~~overpaid AFDC, GA/GR, RCA, and ECA~~ grants or other federal, state, or local means-tested programs to repay an overpayment which resulted from the household's intentional failure to comply with that program's requirements. See Section 63-503.5. (Continued)

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued) 63-502

.2 Income Exclusions. Only the following items shall be excluded from household income: (Continued)

(b) (Continued)

(2) An AFDC, or GA/GR, RCA, or ECA payment shall be considered an excludable vendor payment and not counted as income to the household if specific that AFDC or GA/GR payment is for: (Continued)

.2 (Continued)

(b) (Continued)

(3) All or part of an public assistance AFDC, GA/GR, RCA, or ECA grant which would normally be provided in a money payment to the household, but which is diverted to third parties or to a protective payee for purposes such as managing a household's expenses, shall be considered income to the household. However, any payments by the county welfare department CWD that would not normally be provided in a money payment to the household, and that are is over and above the normal public assistance AFDC, GA/GR, RCA, or ECA grants, would be considered emergency or special assistance and shall be excluded as a vendor payment income if they are it is made directly to a third party for a household expense. This rule applies even if the household has the option of receiving a direct cash payment.

HANDBOOK BEGINS HERE

If it is not clear that a certain type of AFDC, GA/GR, RCA, or ECA vendor payment is covered under this general exclusion policy, the CWD may apply, in writing, through SDSS to the FNS Regional Office for a determination of whether these vendor payments, that the CWD believes are provided for emergency or special circumstances, should be excluded. (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference:

Court Order re Final Partial Settlement Agreement in
Jones v. Yerutte (C.D. Cal. Feb. 8, 1989) — F.Supp. — [Dock. No. CV-89-0768].)

Amend Section 63-503.212(c)(3) to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT
LEVELS (Continued)

63-503

.2 Determining Resources, Income and Deductions (Continued)

.21 (Continued)

.212 (Continued)

(c) Income Only in the Month Received
(Continued)

(3) Households receiving assistance payments such as PAAFDC, or GA/GR benefits, RCA, ECA, or social security payments on a recurring, monthly basis/ shall not have their monthly income from these sources varied merely because mailing cycles may cause two payments to be received in one month and none in the next month.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference:

Court Order re Final Partial Settlement Agreement in
Jones v. Yerutter (C.D. Cal. Feb. 8, 1989) — F.Supp. — [Doc. No. CV-89-
0768].)

Amend Sections 63-503.232(c)(2), (c)(4), and (d)(2); adopt Section 63-503.232(c)(4)(A), (B), and (C) and include Handbook Sections 63-503.232(4)(D)(1), (2), and (3) to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFITS LEVELS (Continued)

63-503

.23 (Continued)

.232 (Continued)

(c) Continued

(2) Households receiving assistance payments such as ~~PAAFDC~~, or GA/GR, RCA, ECA ~~benefits~~, or social security payments on a recurring monthly basis/ shall not have their monthly income from these sources varied merely because mailing cycles may cause two payments to be received in one month and none in the next month. (Continued)

(4) After the beginning months, ~~the CWD paid AFDC, GA/GR, RCA, and ECA grant payments~~ for the issuance month shall be anticipated with reasonable certainty, as defined in Section 63-503.212(a). The CWD shall ensure that any additional ~~or~~ corrective payments to ~~the CWD paid these grants~~ received in and for the issuance month are counted prospectively. If the CWD ~~had~~ could not anticipated the payment or did not have time to budget it prospectively, the CWD ~~must~~ shall budget ~~the payment~~ it retrospectively. However, the following payments shall not be budgeted retrospectively:

(A) All GA/GR and State-only AFDC payments;

(B) Initial PA (as specified in Section 63-301.633), RCA, and ECA payments; and

(C) Regular monthly PA, RCA, and ECA payments.

The household shall be provided with a notice of any changes in its allotment as specified in Section 637304/2881. Refer to Section 637301/1 for definition of resources and Section 637302/2 for income exclusions.

HANDBOOK BEGINS HERE

(D) The following case situations illustrate the distinction between an additional/ corrective payment and a regular monthly payment:

1. Example 1:

An ongoing food stamp household reported the birth of a child in March. As a result, the CWD issued two supplemental PA payments in April, the first for prorated March benefits, the second for April benefits, and added the child to the food stamp household effective April 1.

The prorated supplement for March benefits would be considered a nonrecurring lump sum payment because it is a retroactive payment for a previous month and is counted as a resource in April. The supplemental PA payment received in and for the month of April would be considered an additional/corrective payment which would be budgeted retrospectively for the June issuance month.

2. Example 2:

An ongoing Food Stamp household filed a March CA 7 which caused the CWD to reduce the May PA grant amount to \$0. The CWD used \$0 income to compute the Food Stamp benefit level for the issuance month of May. Subsequent to this action, the CWD discovers that an error was made in the determination of the Food Stamp household's PA grant and recomputes the PA budget to an appropriate grant amount of \$400.

The \$400 would be considered a regular monthly PA payment. This is because no other grant amount for the issuance month had been established and paid. Therefore, the amount issued would be considered a regular monthly PA payment. However, if the CWD had established and actually paid a grant amount (e.g., \$50), any adjustment to this amount would be considered an additional/corrective payment amount and budgeted retrospectively regardless of how the additional/corrective payment was issued (i.e., one check, two checks, etc.).

3. Example 3:

An ongoing Food Stamp household filed a March CA 7 which resulted in a determination that the monthly PA grant would decrease from \$400 to \$50 for May. The \$50 PA grant level was used to determine the food stamp benefits for the issuance month of May. Subsequently, the food stamp household filed an administrative appeal and received aid paid pending (APP) in the amount of \$400.

In this instance, the \$350 (\$400-\$50) would not be budgeted retrospectively as an additional/corrective payment. This is because APP is required by state administrative appeals procedures. The \$350 + \$50 would be considered a regular monthly payment under the requirements of the partial settlement agreement.

HANDBOOK ENDS HERE

(d) Discontinued Income (Continued)

(2) After the Beginning Months

For households receiving a CWD paid AFDC, GA/GR, RCA, or ECA grant payments in the issuance month, discontinued income from the corresponding budget month shall be disregarded provided the household has reported the termination of the income on the monthly report for the budget month or in some other manner, and the CWD has sufficient time to process the change and affect the allotment on the issuance month corresponding to the budget month in which the income stopped.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference:

Court Order re Final Partial Settlement Agreement in
Jones v. Veutter (C.D. Cal. Feb. 8, 1989) — F. Supp. [Deck. No.
CR-89-0768].)

Adopt new Chapter heading and Sections 63-1301 and .1 through .6 to read:

63-1300 COURT CASES

63-1300

63-1301 JONES V. YEUTTER RETROACTIVE COURT CASE

63-1301

HANDBOOK BEGINS HERE

.1 Background

The Jones v. Yeutter lawsuit challenged the policy which required the retrospective budgeting of county welfare department (CWD) paid grants when the CWD was unable to budget them prospectively in the beginning months of Food Stamp Program participation. On June 19, 1989, the plaintiffs amended the lawsuit to challenge the treatment of all additional or corrective payments from AFDC and general assistance/general relief (GA/GR) (i.e., assistance payments from state and local programs). A court-approved Partial Settlement Agreement among all parties to the lawsuit was signed on February 1, 1990. The Partial Settlement Agreement provides that during the food stamp household's beginning months, additional or corrective payments that cannot be budgeted prospectively are not to be budgeted retrospectively. In addition, the partial settlement agreement requires that all initial PA payments and any subsequent regular monthly PA payments shall not be budgeted retrospectively when received by ongoing food stamp households.

A second issue developed as a result of the lawsuit. FNS informed California that there is no authority for a state to prospectively count assistance payments from state or local funds in a monthly reporting/retrospective budgeting system. This includes county GA/GR payments as well as State-only AFDC payments. SDSS requested a waiver to allow the state to continue budgeting these payments prospectively. On October 20, 1989, FNS approved California's waiver to continue budgeting these payments prospectively and to exclude GA additional and corrective payments as income when unable to budget these payments prospectively. The Partial Settlement Agreement requires SDSS to adopt emergency regulations and requires that CWDs restore benefits to affected food stamp households.

HANDBOOK ENDS HERE

.2 Definitions

For the purposes of these regulations:

.21 "Claim form" means that portion of the Informing Notice/Claim Form [TEMP 1770 (6/90)] designed by SDSS. The form must be completed, signed, and returned to the appropriate CWD for determination of a claimant's eligibility for retroactive benefits.

.22 "Class members" means all food stamp eligible households receiving PA, State-only AFDC, and/or GA/GR which are or have been subject to reduction or suspension of food stamps as a result of the application of the additional/corrective payment policy. The class is further defined to include a subclass, defined as all such households which, during the initial months of their participation in the Food Stamp Program are or have been subject to reduction or suspension of food stamps as a result of the budgeting in the same month of the grant for the current month and the grant for a prior month, which previously had been disregarded because of uncertainty as to amount or time of receipt.

.23 "Claim period" means the two-month period of time which begins two calendar months after the effective date of these emergency regulations.

.24 "Retroactive period" means:

.241 The period of time between December 2, 1988 and February 17, 1989, when food stamp benefits were reduced or suspended because a PA payment received in a beginning month was budgeted retrospectively or when households were assessed an overissuance because a PA payment was not budgeted retrospectively; or

.242 The period of time between June 16, 1988 and April 1, 1990, when food stamp benefits were reduced or suspended because a State-only AFDC or GA/GR payment was budgeted retrospectively or when households were assessed an overissuance because a State-only AFDC or GA/GR payment was not budgeted retrospectively.

.3 Restoration Requirements

.31 Any food stamp household receiving PA payments, which may have sustained an actual reduction, suspension, or were assessed an overissuance of food stamp benefits between December 2, 1988 and February 17, 1989, due to implementation of a federally-mandated policy requiring retrospective budgeting of PA payments received in the beginning months but that were not budgeted prospectively, shall be entitled to the restoration of food stamp benefits under the same terms and conditions specified by the Partial Settlement Agreement reached in the Jones v. Yeutter lawsuit.

.32 CWDs shall restore food stamp benefits to any class member who, from June 16, 1988 to April 1, 1990 sustained an actual reduction, suspension or were assessed an overissuance of food stamp benefits as a result of the application of the additional/corrective payment policy to such class member's receipt of State-only AFDC or GA/GR payments.

.4 Informing Potentially Eligible Households of the Availability of Retroactive Benefits

.41 All CWDs shall display the informing posters [TEMP 1773 (6/90)] in conspicuous locations in all CWD offices and food stamp issuance outlets on or before the first day of the claim period. The poster shall remain on display during the two-month claim period.

.42 On or before the first day of the claim period, CWDs shall duplicate and send by first class mail the informing notice/claim form [TEMP 1770 (6/90)] to all food stamp households which are subject to retrospective budgeting.

.43 Each CWD shall establish its own mailing list based on the information as of the last day of the month prior to the day the claim period begins. The informing notice/claim form shall be mailed no later than the first day of the claim period.

.44 Each CWD shall give or mail such informing notice/claim forms to anyone upon request.

.5 Application for Retroactive Benefits

.51 Claimant Responsibilities

.511 The claim form shall be considered complete when the claimant has answered all the questions, provided a name, address, social security number (SSN), and signed and dated the claim form.

.512 The claimant shall submit the claim form to the CWD in the county where food stamp benefits were reduced, suspended or where an oversissuance was assessed during the time period(s) for which retroactive benefits are being claimed.

.513 The claim form shall be submitted within the two-month claim period. Unless the evidence indicates otherwise, the date the claim form is submitted shall be determined as follows:

- (a) The postmark date on the envelope when the claim is mailed to the CWD; or
- (b) The date stamped on the claim form by the CWD when the claim is delivered in person to the CWD; or
- (c) The date the claim form was signed by the claimant, when the date cannot otherwise be determined.

.52 CWD Responsibilities

.521 The CWD shall stamp each claim form with the date of receipt and shall retain all envelopes postmarked after the end of the claim period.

.522 Claims submitted after the specified date shall be denied.

.6 Claim(s) Processing

.61 The CWD shall review each claim form to determine whether the claimant may be a class member and whether the claimant has provided a complete claim form.

.611 If the claimant answered "no" to all of the questions on the claim form, the claimant is not a class member and the CWD shall deny the claim without further review.

.612 The CWD shall send a request for further information or clarification if the form is incomplete or the information is internally inconsistent. If the information is not provided to the CWD within ten days of the date the request is mailed, the claim shall be denied.

.613 The CWD shall approve or deny claims within 60 calendar days of the close of the claim period.

.614 CWDs shall provide each claimant with a Notice of Action (NOA) explaining the approval or denial of the claim and his/her right to a state hearing.

.62 If a CWD receives a claim form for any period of time for which it can be determined that the form was submitted to the wrong county, the CWD shall initiate the following steps within ten days of receipt of the claim form:

.621 When the correct CWD can be determined by the information on the claim form or case record, the CWD shall forward the claim form or a copy thereof to the correct CWD. The CWD shall inform the claimant, in writing, that his/her claim has been forwarded to the correct CWD, if known, for processing.

(a) The date the claim form is submitted to the first CWD shall be considered the date of submission to the second CWD.

.622 If the correct CWD cannot be determined the claim shall be denied with a NOA so informing the claimant.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference:

Court Order re Final Partial Settlement Agreement in
Jones v. Yentter (C.D. Cal. Feb. 8, 1989) — F.Supp. — [Doc. No. CV-89-0768].

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION
OF
APPROVAL

FILED
In this office of the Secretary of State
of the State of California

JUL 23 1990
At 4:29 o'clock P.M.
MARCH FONG EU, Secretary of State
By Julia Cruz
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Social Services

OAL File No: 90-0713-09

David Potter

for

LINDA BREWER
DIRECTOR

07/23/90

90-0628-01C

(See Instructions on Reverse)

RDB #0190-07

1990 JUN 28 11 2:30

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
JUL 26 1990

Office of Administrative Law
For use of Office of Admin Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended, or repealed by this agency and that the information specified on this Face Sheet is true and correct.

CERT

STATE DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

6-27-90

For use by Secretary of State only

FILED
In this office of the Secretary of State
of the State of California

JUL 2 6 1990
At 10:00 a.m.
MARCH LONG EU, Secretary of State
By *John Alphonse*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)		TITLE	TELEPHONE
Rosalie Clark, Chief, Regulations Development Bureau			(916) 445-0313
2. Type of filing, (check one) <input type="checkbox"/> 30-day Review <input type="checkbox"/> Emergency <input checked="" type="checkbox"/> Certificate of Compliance (Complete Part 4 below)			
<input type="checkbox"/> Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below) <input type="checkbox"/> Nonsubstantive changes with nonregulatory effect <input type="checkbox"/> Printing Error Correction			
3. a. Specify California Administrative Code title and sections as follows:			
Title	MPP	SECTIONS ADOPTED:	63-093
SECTIONS AMENDED:			
63-602.323 and 63-602.49			
SECTIONS REPEALED:			
b. The following sections listed in 3a contain modifications to the text originally made available to the public:			
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e)): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)			
<input type="checkbox"/> prior to the emergency adoption <input checked="" type="checkbox"/> within 120 days of the effective date of the emergency adoption of the above-referenced regulations.			
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if yes, give date(s) of prior submittal(s) to OAL:			
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if yes, give date statement was submitted to OAL			
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)			
<input type="checkbox"/> Fair Political Practices Commission (Include FPPC approval stamp)		<input type="checkbox"/> Building Standards Commission (Attach approval)	
<input type="checkbox"/> State Fire Marshall (Attach approval)		<input type="checkbox"/> Department of Finance (Attach properly signed Std. 399)	
<input type="checkbox"/> Other _____ (SPECIFY AGENCY)			
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER April 6, 1990		b. DATE OF FINAL AGENCY ACTION June 27, 1990	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) None
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)			
a. <input type="checkbox"/> Effective 30th day after filing with the Secretary of State.			
b. <input checked="" type="checkbox"/> Effective upon filing with the Secretary of State.			
c. <input type="checkbox"/> Effective on _____ as required or allowed by the following statute(s): _____			
d. <input type="checkbox"/> Effective on _____ (Designate effective date <i>earlier than</i> 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)			
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.			
e. <input type="checkbox"/> Effective on _____ (Designate effective date <i>later than</i> the normal effective date for the type of order filed.)			

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.

Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.

Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list section number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)

b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).

Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).

Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.

Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
- Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).

Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.

Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.

b. Provide the date on which the regulatory agency adopted the regulatory changes.

c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.

Part 9. Effective Dates — check one of the following:

- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
- An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
- If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
- If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
- If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF
APPROVAL

FILED
In this office of the Secretary of State
of the State of California

JUL 26 1990
At 4:09 o'clock P. M.
MARCH FONG EU, Secretary of State
By *Paula A. Phillips*
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Social Services

OAL File No: 90-0628-01

Linda Brewer
LINDA BREWER
DIRECTOR

07/26/90

1990 JUL 2 PM 2:16

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

JUL 26 1990

Office of Administrative Law

For use of Office of Adm Law

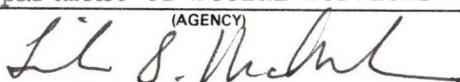
FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW
CERTIFICATION I hereby certify that the attached
are true and correct copies of regulations
adopted, amended or repealed by this agency
and that the information specified on this Face
Sheet is true and correct.

RDB#0390-09

REGULAR

State Department of Social Services

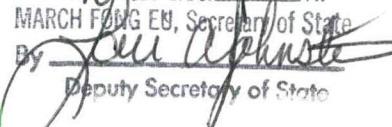

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

7-2-90

FILED
In this office of the Secretary of State
of the State of California

JUL 26 1990
At 4:09 o'clock P.M.
MARCH FONG EU, Secretary of State
By 
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See Instructions)	TITLE	TELEPHONE
Rosalie Clark, Chief, Regulations Development Bureau		445-0313
2. Type of filing, (check one) <input checked="" type="checkbox"/> 30-day Review <input type="checkbox"/> Emergency <input type="checkbox"/> Certificate of Compliance (Complete Part 4 below)		
<input type="checkbox"/> Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)		
<input type="checkbox"/> Nonsubstantive changes with nonregulatory effect <input type="checkbox"/> Printing Error Correction		
3. a. Specify California Administrative Code title and sections as follows: Title <u>MPP</u> SECTIONS ADOPTED: SECTIONS AMENDED: <u>15-410</u> SECTIONS REPEALED: 15-410		
b. The following sections listed in 3a contain modifications to the text originally made available to the public: 15-410		
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one) <input type="checkbox"/> prior to the emergency adoption <input type="checkbox"/> within 120 days of the effective date of the emergency adoption of the above-referenced regulations.		
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if yes, give date(s) of prior submittal(s) to OAL: _____		
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if yes, give date statement was submitted to OAL _____		
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es) <input type="checkbox"/> Fair Political Practices Commission (Include FPPC approval stamp) <input type="checkbox"/> Building Standards Commission (Attach approval) <input type="checkbox"/> State Fire Marshall (Attach approval) <input type="checkbox"/> Department of Finance (Attach properly signed Std. 399) <input type="checkbox"/> Other _____ (SPECIFY AGENCY)		
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER <u>5/2/90</u>	b. DATE OF FINAL AGENCY ACTION <u>JUL 2 1990</u>	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) <u>N/A</u>

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- Effective 30th day after filing with the Secretary of State.
- Effective upon filing with the Secretary of State.
- Effective on _____ as required or allowed by the following statute(s): _____.
- Effective on 8/1/90 (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
 - b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
 - a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).

Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
 - b. Provide the date on which the regulatory agency adopted the regulatory changes.
 - c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
 - a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.*
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.

Linda S. McMahon

Linda S. McMahon
Director

8-26-88
Date

Amend Section 15-410.2 to read:

15-410 REPORTING

15-410

.1 (Continued)

.2 The counties shall submit annually to SDSS a Corrective Action Plans and a Progress Report. The corrective action plan is due no later than January 15 and shall include but not be limited to the results of the quality control reviews for the April through September period. The progress report is due no later than July 1 and shall include but not be limited to the results of the quality control reviews for the October through March period semiannually to SDSS. Separate AFDC and Food Stamp Plans or a combined plan covering both programs are due no later than February 1 (to include, but not be limited to, the results of the quality control reviews for the April through September period) and August 1 (to include, but not be limited to, the results of the quality control reviews for the October through March period).

.21 The Corrective Action Plans shall contain all phases of the corrective action planning process: measurement of the magnitude of the errors and identification of the error elements involved, selection of problem areas and error trends, analysis of the problems, development and selection of corrective action options, plans for corrective action implementation, monitoring and evaluation, and status of previously implemented corrective action.

.22 The Progress Report shall contain the following phases of the corrective action process: measurement of the magnitude of the errors, identification of the error elements involved and error trends, if any, status of previously implemented corrective action, and the evaluation of corrective actions implemented.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 15200.4, Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF
APPROVAL

FILED
In this office of the Secretary of State
of the State of California

JUL 2 6 1990
A 409 o'clock P. M.
MARCH FONG EU, Secretary of State
By *Debra J. Brewster*
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Social Services

OAL File No: 90-0702-03

Debra J. Brewster
TENDA BREWER
DIRECTOR

07/26/90

FACE SHEET

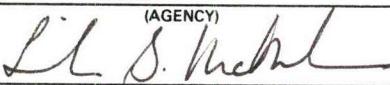
FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

RESUBMITTAL

State Department of Social Services

(AGENCY)



AGENCY OFFICER WITH RULEMAKING AUTHORITY

6-27-90

RDB #0489-12

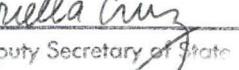
FILED

In this office of the Secretary of State
of the State of California

JUL 3 0 1990

At 4:17 o'clock P.M.

MARCH FONG EU, Secretary of State

By 
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

Rosalie Clark

Chief, Regulations Development Bureau

TELEPHONE

445-0313

2. Type of filing, (check one) 30-day Review Emergency

Certificate of Compliance
(Complete Part 4 below)

Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)

Nonsubstantive changes with nonregulatory effect Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

SECTIONS ADOPTED:

Title MPP Division 12, Chapter 12-600, Sections 12-601, 602, 603, 604, 605 and 606.

SECTIONS AMENDED:

SECTIONS REPEALED:

b. The following sections listed in 3a contain modifications to the text originally made available to the public: Sections 12-601
and 605.

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

prior to the emergency adoption
 within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

No Yes, if yes, give date(s) of prior submittal(s) to OAL: 10/27/89, OAL #89-1027-02 (withdrawal)

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

No Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

<input type="checkbox"/> Fair Political Practices Commission (Include FPPC approval stamp)	<input type="checkbox"/> Building Standards Commission (Attach approval)
<input type="checkbox"/> State Fire Marshall (Attach approval)	<input type="checkbox"/> Department of Finance (Attach properly signed Std. 399)
<input type="checkbox"/> Other _____	(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

June 30, 1989

b. DATE OF FINAL AGENCY ACTION

June 27, 1990

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8c)

May 24, 1990 to June 8, 1990

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

a. Effective 30th day after filing with the Secretary of State.
b. Effective upon filing with the Secretary of State.
c. Effective on _____ as required or allowed by the following statute(s): _____.
d. Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
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Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).

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b. Provide the date on which the regulatory agency adopted the regulatory changes.

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- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Adopt Chapter 12-600 and Section 12-601 to read:

<u>12-600</u>	<u>REAL PROPERTY LIENS</u>	<u>12-600</u>
<u>12-601</u>	<u>DEFINITIONS</u>	<u>12-601</u>

- .1 Definitions of terms used in these regulations, which are common to the Child Support Enforcement Program, are found in MPP Section 11-701.
- .2 When used in these regulations, unless the context otherwise indicates:
 - a. through h. (Reserved)
 - i. (1) Initiating cases -- means those cases in which the county commences the child support action.
(2) Intercounty cases -- means those cases in which more than one California county is involved in the support action.
(3) Interstate cases -- means those cases in which more than one state is involved in the support action.
(4) Intracounty cases -- means those cases in which only one jurisdiction within a state or a single county is involved in the support action.
 - j. (Reserved)
 - k. (Reserved)
 - l. Lien -- means a charge or encumbrance on real property.
 - m. through q. (Reserved)
 - r. Responding cases -- means those cases in which the county receives the child support action for purposes of enforcement.
 - s. through z. (Reserved)

Authority Cited: Section 11475, Welfare and Institutions Code.

Reference: 45 CFR Section 303.103.

Adopt MPP Section 12-602 to read:

12-602 GENERAL REQUIREMENTS 12-602

.1 Each district attorney shall record all support orders/judgments to create liens against real property.

Authority Cited: Section 11475, Welfare and Institutions Code.

Reference: 45 CFR Sections 303.103 and 305.52 and Section 697.320, California Code of Civil Procedure.

Adopt MPP Section 12-603 to read:

12-603 CASES TO BE RECORDED 12-603

.1 The district attorney shall create a real property lien in the following types of cases:

- .11 Intracounty cases;
- .12 Intercounty responding cases;
- .13 Interstate responding cases; and
- .14 Interstate initiating cases.

.141 Liens shall be created in these cases only if the absent parent is known to have, or is likely to acquire, real property interests in California.

Authority Cited: Section 11475, Welfare and Institutions Code.

Reference: 45 CFR Sections 303.103 and 305.52 and Section 697.320, California Code of Civil Procedure.

Adopt MPP Section 12-604 to read:

12-604 WHEN TO RECORD 12-604

.1 The district attorney shall create a lien at the time that each new order, or modification to an existing order, is entered.

.11 Liens in existing cases shall be created as the cases are processed by the district attorney.

Authority Cited: Section 11475, Welfare and Institutions Code.

Reference: 45 CFR Sections 303.103 and 305.52 and Section 697.320, California Code of Civil Procedure..

Adopt MPP Section 12-605 to read:

12-605 WHERE TO RECORD 12-605

.1 The district attorney shall record real property liens:

.11 In the county in which the absent parent resides;

.12 In the county in which the absent parent's parent(s) reside, if known and different from the absent parent's county; and

.13 In any other county in which the absent parent is known to have, or could reasonably be expected to acquire, real property.

Authority Cited: Section 11475, Welfare and Institutions Code.

Reference: 45 CFR Sections 303.103 and 305.52 and Section 697.320, California Code of Civil Procedure.

Adopt MPP Section 12-606 to read:

<u>12-606</u>	<u>WHAT TO RECORD</u>	<u>12-606</u>
.1	<u>The district attorney shall record one of the following:</u>	
	.11 <u>An abstract of support judgment or</u>	
	.12 <u>A certified copy of the judgment.</u>	
.2	<u>All liens shall be extended and re-recorded unless the judgment is satisfied or the judgment lien is released.</u>	

Authority Cited: Section 11475, Welfare and Institutions Code.

Reference: Section 697.320, California Code of Civil Procedure.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

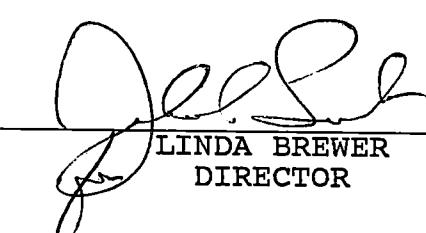
In this office of the Secretary of State
of the State of California

JUL 30 1990
At 4:17 o'clock P.M.
MARCH FONG EU, Secretary of State
By Linda Brewer
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
City of Sacramento, State of California.

Submitting Agency: Social Services

OAL File No: 90-0628-02


LINDA BREWER
DIRECTOR

07/30/90

70-0628-03

(See Instructions on Reverse)

1030 JUN 28 AM 3 11

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
JUL 30 1990

Office of Admin Law

For use of Office of Adm Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

REGULAR

State Department of Social Services

Lil S. Clark
(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 6-27-90

RDB #0689-19

FILED

In this office of the Secretary of State
of the State of California

JUL 30 1990

At 4:17 o'clock P. M.

MARCH FONG EU, Secretary of State

By *Laura L. Gray*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)		
Rosalie Clark Chief, Regulations Development Bureau 445-0313		
2. Type of filing, (check one) <input checked="" type="checkbox"/> 30-day Review <input type="checkbox"/> Emergency <input type="checkbox"/> Certificate of Compliance (Complete Part 4 below)		
<input type="checkbox"/> Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below) <input type="checkbox"/> Nonsubstantive changes with nonregulatory effect <input type="checkbox"/> Printing Error Correction		
3. a. Specify California Administrative Code title and sections as follows:		
Title <u>MPP</u> SECTIONS ADOPTED: <u>Chapter 12-100, Sections 12-101, 102, 103, 104, 105, 106, 107, and 108.</u>		
SECTIONS AMENDED:		
SECTIONS REPEALED:		
b. The following sections listed in 3a contain modifications to the text originally made available to the public: <u>Chapter 12-100, Sections 101, 102, 103, 104, 105, 106, 107, and 108.</u>		
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)		
<input type="checkbox"/> prior to the emergency adoption <input type="checkbox"/> within 120 days of the effective date of the emergency adoption of the above-referenced regulations.		
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(SPECIFY AGENCY)		
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER September 29, 1989		b. DATE OF FINAL AGENCY ACTION June 27, 1990
		c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) <u>March 9, 1990 - March 26, 1990</u> <u>June 4, 1990 - June 19, 1990</u>
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)		
a. <input type="checkbox"/> Effective 30th day after filing with the Secretary of State.		
b. <input type="checkbox"/> Effective upon filing with the Secretary of State.		
c. <input checked="" type="checkbox"/> Effective on <u>10/01/90</u> as required or allowed by the following statute(s): <u>Public Law 100-485</u>		
d. <input type="checkbox"/> Effective on _____ (Designate effective date <i>earlier than</i> 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)		
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.		
e. <input type="checkbox"/> Effective on _____ (Designate effective date <i>later than</i> the normal effective date for the type of order filed.)		

INSTRUCTIONS FOR STD 400

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- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
 - a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).

Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
 - b. Provide the date on which the regulatory agency adopted the regulatory changes.
 - c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
 - a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.*
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Adopt MPP Chapter 12-100 and Section 12-101 to read:

12-100 CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS

12-100

12-101 GENERAL

12-101

.1 The specific program components of the Child Support Enforcement Program shall be:

.11 Location of absent parents.

.12 Establishment of paternity for children born out of wedlock or for whom paternity is contested.

.13 Establishment and modification of court orders for the support of children, including medical support.

.14 Enforcement of support orders for children and their custodial parents.

.15 Collection and distribution of support payments.

.2 Definitions of terms used in these regulations, which are common to the Child Support Enforcement Program, are found in MPP Section 11-701.

.3 Definitions of terms specific to these regulations are:

a. (1) "Aid" -- means Aid to Families with Dependent Children (AFDC), Foster Care and Medi-Cal.

(2) "Alleged absent parent" -- means the person identified by the custodial parent as the child's other parent for which there is sufficient supporting evidence to legally proceed with the case.

(3) "Application" -- means a written document provided by the district attorney in which an individual requests support services and which is signed by the individual.

b. and c. (Reserved)

d. "Diligent effort" -- For service of process, diligent effort means the district attorney shall attempt all appropriate statutory mechanisms for serving process and shall repeat such attempts as soon as new information becomes available or yearly, whichever occurs first.

- e. through h. (Reserved)
- i. "Interstate case" -- means any case involving California and any other jurisdiction which has adopted the Uniform Reciprocal Enforcement of Support Act provisions.
- j. and k. (Reserved)
- l. "Location" -- means information concerning the physical whereabouts of the absent parent or his/her employer, sources of income, or assets which is sufficient to initiate the next appropriate action in a case.
- m. through o. (Reserved)
- p. "Plan of Cooperation" -- means the contractual agreement between the Department and each county's district attorney for administering the Child Support Enforcement Program.
- q. through v. (Reserved)
- w. "Working relationship" -- For locating absent parents, working relationship means an agreement between the district attorney and a locate source regarding how and what location information will be exchanged.
- x. through z. (Reserved)

Authority Cited: Sections 10553, 10554 and 11475, Welfare and Institutions Code.

Reference: Sections 11475 and 11479.5, Welfare and Institutions Code; and 45 CFR 300 through 307.

Adopt MPP Section 12-102 to read:

12-102 PROGRAM REQUIREMENTS

12-102

.1 The district attorney shall:

- .11 Accept all cases which are referred from the county welfare department.
- .12 Accept all cases for which an application for services is filed.
- .13 Provide all appropriate services to all cases, as needed.

.2 Nothing in this section shall preclude the district attorney from the following:

- .21 Prioritizing the caseload.
- .22 Closing cases.
- .3 Case prioritization and closure shall be in accordance with approved procedures as contained in the Plan of Cooperation between the Department and the district attorney.
- .4 The district attorney shall meet all time standards for case processing for all cases regardless of their priority.
- .5 The district attorney shall make diligent effort to serve process at any point during case processing at which service of process becomes necessary.
- .6 The district attorney shall provide sufficient staffing and resources to meet all time standards contained in these regulations.

Authority Cited: Sections 10553, 10554 and 11475, Welfare and Institutions Code.

Reference: Section 11479.5, Welfare and Institutions Code; and 45 CFR 302.33 and 303.10.

Adopt MPP Section 12-103 to read:

12-103 TIME STANDARDS - CASE INTAKE AND RECORDS

12-103

.1 The district attorney shall:

.11 Make applications for support services readily accessible to the public.

.12 Provide applications:

.121 On the day they are requested in person.

.122 Within five working days of a telephone or written request for one.

.13 Provide the following information with the application:

.131 Available services.

.132 The applicant's rights and responsibilities.

.133 Fees and cost recovery procedures.

.134 Distribution policies.

.14 Accept applications as filed on the day they are received.

.15 Provide the information specified in Section 12-103.13 within five working days for cases referred from the county welfare department.

.2 Within 20 calendar days of receipt of referral or application, the district attorney shall:

.21 Establish a case record which shall contain:

.211 All documents regarding the case.

.212 All relevant facts and dates.

.213 A record of all actions taken and contacts made including the name of the person taking action, the name of any person contacted, and the date of contact.

.214 Any results of the actions taken and contacts made.

- .22 Solicit any necessary information from the custodial parent.
- .23 Solicit any necessary information from any other relevant sources.
- .24 Initiate verification of the information obtained.

Authority Cited: Sections 10553, 10554 and 11475, Welfare and Institutions Code.

Reference: Section 11479.5, Welfare and Institutions Code; and 45 CFR 302.33(a) and 303.2.

Adopt MPP Section 12-104 to read:

12-104 TIME STANDARDS - LOCATION OF ABSENT PARENTS

12-104

.1 The district attorney shall:

.11 Establish a working relationship with appropriate locate sources.

.12 Use appropriate locate sources when the absent parent's location is unknown.

.121 Appropriate locate sources include, but are not limited to:

- (a) Agencies which administer public assistance, general assistance, medical assistance, food stamps, and social services.
- (b) Friends and relatives of the absent parent.
- (c) Current and past employers of the absent parent.
- (d) The local telephone company.
- (e) The United States Postal Service.
- (f) Financial institutions.
- (g) Unions.
- (h) Fraternal organizations.
- (i) Police, parole, and probation offices.
- (j) State agencies which maintain records of public assistance; wages, employment, and unemployment insurance; income taxes; driver's licenses and vehicle registration; and criminal records.
- (k) Federal Parent Locator Service (FPLS).
- (l) Interstate location networks.

- .2 Within 75 calendar days of determining that locate services are necessary, the district attorney shall:
 - .21 Access all appropriate locate sources.
 - .22 Ensure that location information is sufficient to take the next appropriate action or service.
- .3 For cases in which location attempts have been unsuccessful, the district attorney shall:
 - .31 Repeat location attempts immediately when new location information is received.
 - .32 Repeat location attempts quarterly.
 - .321 Quarterly location attempts may be limited to automated sources but shall include accessing employment records.
 - .33 Submit cases, which meet the requirements for submittal, to FPLS at least annually.
- .4 Within 20 calendar days of determining that the absent parent is located in another state, the district attorney shall refer the case to the central registry of the state in which the absent parent is located.

Authority Cited: Sections 10553, 10554 and 11475, Welfare and Institutions Code.

Reference: Section 11479.5, Welfare and Institutions Code and 45 CFR 303.3.

Adopt MPP Section 12-105 to read:

12-105 TIME STANDARDS - ESTABLISHMENT OF PATERNITY

12-105

.1 In all cases for which paternity has not previously been established or in which paternity is contested, the district attorney shall do at least one of the following within 90 calendar days of locating the alleged absent parent:

.11 File for paternity establishment.

.12 Complete service of process to establish paternity.

.13 Document unsuccessful attempts to serve process.

.2 The district attorney shall either establish paternity or exclude the alleged father based on genetic tests and/or legal processes within one year of the later of the following:

.21 Successful service of process.

.22 The child reaching six months of age.

Authority Cited: Sections 10553, 10554 and 11475, Welfare and Institutions Code.

Reference: Section 11479.5, Welfare and Institutions Code and 45 CFR 303.5.

Adopt MPP Section 12-106 to read:

12-106 TIME STANDARDS - ESTABLISHMENT OF SUPPORT ORDERS

12-106

- .1 Within 90 calendar days of locating an absent parent or establishing paternity, the district attorney shall do at least one of the following:
 - .11 Establish a support order.
 - .12 Complete service of process necessary to establish a support order.
 - .13 Document unsuccessful attempts to serve process.
- .2 If the court dismisses a petition for a support order without prejudice, the district attorney shall:
 - .21 Examine the reasons for dismissal.
 - .22 Determine the appropriate time to seek a support order in the future.
 - .23 Petition the court for an order at the appropriate time.

Authority Cited: Sections 10553, 10554 and 11475, Welfare and Institutions Code.

Reference: Section 11479.5, Welfare and Institutions Code and 45 CFR 303.4.

Adopt MPP Section 12-107 to read:

12-107 TIME STANDARDS - ENFORCEMENT OF SUPPORT ORDERS

12-107

- .1 The district attorney shall establish and utilize a system for monitoring compliance with support order.
 - .11 This system shall identify cases in which there is failure to comply with the support order on the date the absent parent fails to make payment(s) equal to one month's support obligation.
- .2 Upon identifying a delinquency, identifying any other support related noncompliance with the order, or locating the absent parent when that person's location was unknown, the district attorney shall:
 - .21 Initiate wage withholding immediately.
 - .22 Initiate any other appropriate enforcement techniques within 30 days if service of process is not necessary.
 - .23 Do one of the following within 60 calendar days if service of process is necessary to initiate any other enforcement techniques:
 - .231 Complete service of process necessary to enforce the support order and initiate the appropriate enforcement technique.
 - .232 Document unsuccessful attempts to serve process.
- .3 The district attorney shall serve a wage assignment on the absent parent's employer within five working days of its issuance unless the wage assignment has been stayed.
- .4 The district attorney shall submit once a year to the Department all cases eligible for federal or state tax refund offset pursuant to Chapter 11-700.
- .5 For cases in which enforcement efforts are unsuccessful, the district attorney shall:
 - .51 Examine the reasons for failure of the enforcement effort.
 - .52 Determine when it would be appropriate to seek enforcement in the future.
 - .53 Initiate future enforcement activities when appropriate.

Authority Cited: Sections 10553, 10554 and 11475, Welfare and Institutions Code.

Reference: Section 11479.5, Welfare and Institutions Code; and 45 CFR 303.6, 303.72, 303.100 and 303.102.

Adopt Section 12-108 to read:

12-108 TIME STANDARDS - DISTRIBUTION OF COLLECTIONS

12-108

- .1 The district attorney shall notify the county welfare department of the amount of any collection which represents payment on a current support order on behalf of cases receiving AFDC or Foster Care within 10 working days of the end of the month in which support is received by the district attorney for final distribution of the collection.
- .2 For interstate cases, the district attorney shall distribute collections on behalf of other states to the initiating state within 15 calendar days of initial receipt of the collection in this state.
- .3 The district attorney shall:
 - .31 Distribute collections of \$50 or more on behalf of families receiving aid within 15 calendar days of receipt of at least \$50 in the state.
 - .32 Distribute collections on behalf of families receiving aid within 15 calendar days of the end of the month in which support is collected if less than \$50 is received during that month.
 - .33 Distribute collections on behalf of cases receiving foster care services within 15 calendar days of initial receipt in the state.
 - .34 Distribute collections within 15 calendar days of initial receipt in the state for cases not receiving aid.
 - .35 Distribute tax refund offset collections within 30 calendar days of receipt by the district attorney.
 - .351 For cases not receiving aid, the district attorney may delay distribution of offset collections from joint federal tax returns until the earlier of the following occurs:
 - a. Notification that the unobligated spouse's share of the refund has been paid.
 - b. Six months from the date of notification of the offset.

.36 Distribute amounts in excess of current support which are collected on behalf of families not currently receiving aid to the family, if there are no assigned arrearages, within 15 calendar days of initial receipt in the state.

.4 For cases which cease to receive aid, the district attorney shall distribute collections for the month following the month in which aid terminates within 15 calendar days of initial receipt in the state.

Authority Cited: Sections 10553, 10554 and 11475, Welfare and Institutions Code.

Reference: Section 11479.5, Welfare and Institutions Code; and 45 CFR 302.32, 302.32(f)(2)(ii), 302.32(f)(3)(ii), 302.51, 302.52, 303.7(a)(4), 303.72(h)(5) and 303.102.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

JUL 30 1990

At 4:17 o'clock P. M.

MARCH FORG EU, Secretary of State

By Linda Brewer

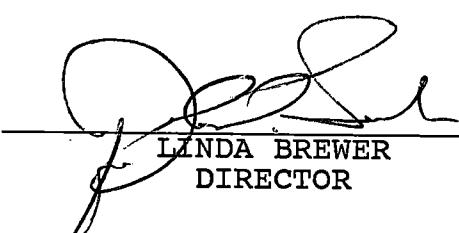
Deputy Secretary of State

Linda Brewer

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
City of Sacramento, State of California.

Submitting Agency: Social Services

OAL File No: 90-0628-03


LINDA BREWER
DIRECTOR

07/30/90